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Department for G/TIP, EAP/RSP, INL, DRL, PRM
Labor for ILAB

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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#) [SMIG](#) [KFRD](#) [ASEC](#)
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SUBJECT: Thailand: Trafficking in Persons Report - 2008

REF A: 08 STATE 132759 (REPORTING REQUEST)
REF B: STATE 5577 (ADDITIONAL GUIDANCE FOR REPORTING)
REF C: BANGKOK 237 (CHILD LABOR REPORT INPUT)
REF D: 08 BANGKOK 3588 (PROGRESS ON TIP LAW)

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¶1. (SBU) Summary: Despite various and sometimes mounting challenges, the Royal Thai Government (RTG) made significant efforts to combat human trafficking (TIP) in 2008. Although Thailand's political turmoil resulted in five changes in Prime Minister over the course of the year, the RTG made considerable strides in the implementation of Thailand's comprehensive new anti-TIP law that came into force in June (ref. D). They include making the drafting of multiple subordinate regulations to the law, the signing of two new regional MOUs by provincial authorities, and the development of operational guidelines for victim identification and for labor trafficking cases. Thai authorities trained thousands of individuals (police, social workers, prosecutors, non-governmental organization representatives, etc.) on the new TIP law and how to most effectively put it to use through multidisciplinary teams. In recognition of the status of adult males as TIP victims (codified by the new law), the RTG opened a new shelter for men (three others are planned) and expanded by 39 its existing network of temporary shelters for all victims. Proceedings in the Ranya Paew case advanced, with a labor court ordering in November that \$3,600,000 baht (USD 109,010) in compensation be paid to the victims. To develop their criminal case, law enforcement officials finished taking testimony from the 66 victims, paving the way for their repatriation by December. In September, a Labor Court ordered that 38 surviving crew members from the Prapha Navee fishing case receive 3.8 million baht (108,571 USD) in back wages. The criminal case involving the Anoma shrimp case advanced with defendants and victims providing statements to the court in February 2009. In 2008, the RTG also signed a new TIP-related agreement with the government of Vietnam. End Summary.

¶2. (SBU) Answers to questions provided by ref. A, paragraph 23 follow:

II. THE COUNTRY'S TIP SITUATION:

-- A. WHAT IS (ARE) THE SOURCE(S) OF AVAILABLE INFORMATION ON TRAFFICKING IN PERSONS? WHAT PLANS ARE IN PLACE (IF ANY) TO UNDERTAKE FURTHER DOCUMENTATION OF HUMAN TRAFFICKING? HOW RELIABLE ARE THESE SOURCES?

Information on trafficking in persons is widely available from many NGOs, UN agencies, and other international organization activities in Thailand, as well as from various Thai government agencies (e.g., Ministry of Foreign Affairs, Ministry of Social Development and Social Security, the Children and Women Protection Division (CWD) of the Royal Thai Police, Ministry of Labor, Office of the Attorney General, etc). While most information collected from these organizations is reliable, information from the media is not always reliable and must be confirmed by other sources.

-- B. IS THE COUNTRY A COUNTRY OF ORIGIN, TRANSIT, AND/OR DESTINATION FOR INTERNATIONALLY TRAFFICKED MEN, WOMEN, OR CHILDREN? DOES TRAFFICKING OCCUR WITHIN THE COUNTRY'S BORDERS? IF SO, DOES INTERNAL TRAFFICKING OCCUR IN TERRITORY OUTSIDE OF THE GOVERNMENT'S CONTROL (E.G. IN A CIVIL WAR SITUATION)? TO WHERE ARE PEOPLE TRAFFICKED? FOR WHAT PURPOSES ARE THEY TRAFFICKED? PROVIDE, WHERE POSSIBLE, NUMBERS OR ESTIMATES FOR EACH GROUP OF TRAFFICKING VICTIMS. HAVE THERE BEEN ANY CHANGES IN THE TIP SITUATION SINCE THE LAST TIP REPORT (E.G. CHANGES IN DESTINATIONS)?

Thailand is a country of origin, transit and destination for persons subjected to the worst forms of trafficking as defined by the Trafficking Victims Protection Act (TVPA). Trafficking occurs both across international borders and internally between rural and urban areas. Migrants from neighboring countries (mostly from Burma, Cambodia, and Laos) are trafficked into Thailand. Thai citizens are

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trafficked into other countries in Northeast Asia, the Middle East, Africa, and Europe, and elsewhere. Trafficking activity occurs in the area around the Thailand-Malaysia border where political unrest hinders the RTG's ability to combat all crime.

As a source country, in 2008, Thais were found to be trafficked, mostly for the sex trade and construction work, to Malaysia, Bahrain, Japan, South Africa, United Kingdom, Singapore, Australia, Hong Kong, Brunei, Taiwan, Vietnam, the United States, Turkey, Libya, Spain. As transit countries, people from North Korea, China, Vietnam, and Burma pass through Thailand to third countries such as Malaysia, Indonesia, Singapore, Russia, Western Europe, South Korea, and the United States. As a destination country, people from neighboring countries (Cambodia, Burma, Laos, China, and Vietnam) and others as far off as Russia and Fiji are found to be trafficked into Thailand, mostly into urban areas such as Bangkok, Chiang Mai, Pattaya, Samut Prakarn, Samut Sakorn, and Songkla.

There was no reliable estimate of the magnitude of the trafficking phenomenon in Thailand. While NGOs reported a growing number of Burmese smuggled into Thailand seeking employment, they did not report human trafficking to be on the rise. There was general agreement among United Nation agencies, NGOs, and the RTG that only a small percentage of those engaged in prostitution in Thailand are either underage or are in involuntary servitude or debt bondage as defined by the TVPA, although serious problems remain. While women and children (especially girls) have in the past tended to be the most frequent trafficking victims in Thailand, cases of labor exploitation involving migrant workers indicated that men are also at risk for labor trafficking.

Evidence suggested that the trafficking of men, women and children into labor sectors such as commercial fisheries, fishing-related industries, or sweatshop work was a significant portion of all trafficking in Thailand. Children were also found to be trafficked into Bangkok or other urban areas and forced to sell flowers, beg, or work in domestic service, according to the NGO World Vision. Thai women were found to be trafficked abroad for sexual exploitation especially in Japan, UK and Australia.

Studies done by United Nations agencies and NGOs found evidence of exploitation (including human trafficking) of Burmese migrants in the seafood processing sector, sometimes through debt bondage. The NGO Rak Thai Foundation in Mahachai reported that Burmese women were targeted by rape gangs due to their illegal status and lack of knowledge about their rights and protections under Thai law. UNIAP also reported that migrant workers were found to be vulnerable due to their language barrier, limited knowledge of Thai laws, as well as the withholding of travel documents, migrant registration cards, and/or work permits by employers.

According to UNESCO and NGO studies, ethnic minorities resident in Thailand, such as an estimated 350,000 northern hill tribe people who have not received legal residency or citizenship, were at particular risk for trafficking. Although absolute numbers of ethnic minority trafficking victims were not high, they were found in numbers disproportionate to their share of the population in Thailand.

The Ministry of Social Development and Human Security (MSDHS) reported it assisted 622 TIP victims in 2008, 520 foreigners and 102 Thai citizens. Of the 622, 306 (roughly 50 percent) agreed to cooperate with law enforcement authorities on their cases investigation and prosecution. Only 35 of the 102 Thai victims agreed to cooperate on their cases investigation and prosecution.

Number of trafficking victims assisted by MSDHS (Jan-Dec 2008)
(Unit: Number of Persons):

	Victims Proceed with Prosecution	Do Not Proceed
Thai trafficking	44	6
		38

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victims abroad

Thai trafficking victims in Thailand	58	29	29
Foreign trafficking in Thailand	520	271	249 victims in Thailand

Total	622	306	316
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(Source: Dept. of Social Development and Welfare, MSDHS)

The Children and Women Protection Division of the Royal Thai Police (CWD) reported that CWD alone (not including other police divisions) investigated 54 offenders of human trafficking cases, involving 82 TIP victims. Out of 54 offenders, 34, 12 and 8 were charged with forced prostitution, procuring prostitutes, and forced child labor, respectively. Statistics by types of crime and nationality follow:

Number of TIP investigations by CWD (Jan-Dec 2008)
(Unit: Number of Persons)

	Number of offenders	Number of victims
Forced prostitution	34 (33 Thai, 1 Lao)	19 (17 Thai, 2 Lao)
Procuring for prostitution	12	29
Forced child labor	8 (3 Thai, 5 Burm.)	34 (2 Thai, 28 Burmese, 4 Lao)
Total	54 (36 Thai, 1 Lao, 5 Burm.)	82 (19 Thai, 6 Lao, 28 Burm.)

(Source: Children and Women Protection Division (CWD))

The Ministry of Foreign Affairs (MFA) Department of Consular Affairs reported 443 Thai nationals were classified as TIP victims abroad and repatriated to Thailand with MFA assistance in fiscal year 2008 (October 2007–September 2008), compared to 403 and 397 victims in FY2007 and FY2006, respectively. The breakdown by destination country follows:

Number of Thai TIP victims abroad who were repatriated back to Thailand (Oct 07-Sep 08)

(Unit: Number of Persons)

Destination	FY 2006	FY2007	FY 2008
Bahrain	236	368	360
Singapore	9	14	3
Malaysia	39	12	73
South Africa	20	3	1
Saudi Arabia	0	3	0
Hong Kong	2	2	1
Japan	3	1	0
United Kingdom	5	0	0
Taiwan	0	0	5
Total	397	403	443

(Source: Department of Consular Affairs, Ministry of Foreign Affairs)

The Ministry of Social Development and Human Security (MSDHS) reported that 3,772 foreign women and children were classified as TIP victims in Thailand and received assistance and protection at MSDHS shelters between 1999-2008, that 2,553 (68 percent) were repatriated back to their home country, and approximately 292 people remained in MSDHS shelters at the end of 2008. The breakdown by country of origin follows:

Number of Foreign TIP victims in the government shelters. (1999 - Dec 2008)(Unit: Number of Persons)

Nationality	Assisted	Repatriated	Other*	Remain in shelters
Cambodia	1,235	968	245	22

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Burma	1,121	623	308	190
Laos	1,336	915	347	74
China	32	21	10	1
Vietnam	26	20	3	3
Other	22	6	14	2
Total	3,772	2,553	927	292

* victims referred/transferred to other agencies, fled from the shelter, etc.

(Source: Department of Social Development and Welfare, MSDHS)

-- C. WHAT KIND OF CONDITIONS ARE THE VICTIMS TRAFFICKED INTO?

Thai and foreign victims found themselves in situations of forced or bonded labor, forced commercial sexual exploitation, domestic servitude, or other exploitive conditions.

UNIAP reported that the sectors in which trafficked persons were most commonly found in Thailand were those involving sexual exploitation, begging, domestic work, factory work, agriculture, fishing, and fishing-related industries. The conditions that victims were trafficked into varied from mild to severe. In some cases, factory workers were forced to work long hours with few safety precautions, experienced health problems, were vulnerable to violence, and worked without pay or less pay than promised. In fishing-related industries, workers at times remained at sea for long periods (3 months to 1 year), did not receive pay, and were threatened or physically beaten. In the commercial sex industry, women were at times locked-up and forced to work with multiple clients.

-- D. VULNERABILITY TO TIP: ARE CERTAIN GROUPS OF PERSONS MORE AT RISK OF BEING TRAFFICKED (E.G. WOMEN AND CHILDREN, BOYS VERSUS GIRLS, CERTAIN ETHNIC GROUPS, REFUGEES, IDPS, ETC.)?

Women, children, migrants, ethnic minorities, and stateless people along the Thai-Burmese border were more at risk. The majority of people trafficked to Thailand were migrants from Burma, Laos, and Cambodia who often had no valid visa or work permit, did not speak Thai, had no knowledge of Thai Law, nor understand how to access to Thai justice system, according to the UNIAP. Newly arrived migrants

were generally more at risk. UNESCO identified lack of citizenship as the greatest risk factor for highland girls and women in Thailand to being trafficked or otherwise exploited. Regarding Cambodian victims, many appeared to be males (especially those newly arrived) trafficked onto fishing boats. Women trafficked were found in sweatshops, the sex trade, and domestic service while children were found in the agricultural sector and in small-scale shops. Boys and adult male victims were mostly found in the fishing (and related) industries, agriculture, and construction work.

-- E. TRAFFICKERS AND THEIR METHODS: WHO ARE THE TRAFFICKERS/EXPLOITERS? ARE THEY INDEPENDENT BUSINESS PEOPLE? SMALL OR FAMILY-BASED CRIME GROUPS? LARGE INTERNATIONAL ORGANIZED CRIME SYNDICATES? WHAT METHODS ARE USED TO APPROACH VICTIMS? FOR EXAMPLE, ARE THEY OFFERED LUCRATIVE JOBS, SOLD BY THEIR FAMILIES, OR APPROACHED BY FRIENDS OF FRIENDS? WHAT METHODS ARE USED TO MOVE THE VICTIMS (E.G., ARE FALSE DOCUMENTS BEING USED?). ARE EMPLOYMENT, TRAVEL, AND TOURISM AGENCIES OR MARRIAGE BROKERS INVOLVED WITH OR FRONTING FOR TRAFFICKERS OR CRIME GROUPS TO TRAFFIC INDIVIDUALS?

Traffickers ranged from opportunistic individuals to organized networks. According to UNIAP, traffickers bringing victims into Thailand generally did not need a high level of organization, whereas those bringing victims from Thailand to foreign destinations required more organized networks and financing. As a destination country, Thailand's somewhat porous borders made undocumented entry from Burma, Laos, and Cambodia relatively easy. False documents are reportedly used considerably in Thailand, which is made easier by the complex registration system for migrant workers. Regarding migrant children, traffickers reportedly offered cash to the child's parents (especially those in Cambodia or Burma) to take their child

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to a city to earn money by selling flowers or begging.

A study conducted by UNIAP in collaboration with an NGO on brokers and agents in Samut Sakorn indicated that brokers were sometimes a family member, a friend, or a stranger. They acted as a legitimate work-oriented service facilitator, or as an exploiter and/or a trafficker. The study found that brokers were of both Thai and Burmese origin and worked in networks, collaborating with employers and at times with individual law enforcement officials. Exploitation was found in cases of brokers charging excessive transportation fees, charging high release fees for workers who wanted to change their place of work, selling trafficked victims to employers, or charging workers for work registration services. Brokers and employers could further increase their control over workers by withholding their identity documents so that workers could not change employers (thereby limiting their freedom of movement). Some migrants had to pay fees before their journey to Thailand and worked to pay off their recruitment and transportation fees after beginning to earn income.

Selling of victims by family members went virtually unreported in Thailand.

As a source country, CWD reported that most Thai trafficking victims were lured by traffickers who were friends, relatives or employment agents and who promised legitimate work. Most Thai victims trafficked abroad used air transport and fraudulent documents.

II. SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. DOES THE GOVERNMENT ACKNOWLEDGE THAT TRAFFICKING IS A PROBLEM IN THE COUNTRY? IF NOT, WHY NOT?

The Thai government acknowledges human trafficking is a serious problem in Thailand and has made substantial efforts to address it. In 1997, the government passed the Measures in Prevention and Suppression of Trafficking in Women and Children Act which aims to protect women and children from sexual exploitation. In June 2008, the new Anti-Trafficking in Persons Act came into force and replaced the 1997 Act. The new law criminally prohibits all forms of TIP, including forced child labor, other forms of forced labor, and the trafficking of males (ref A). The law provides the basis for an improved anti-TIP architecture within the Royal Thai Government

(RTG) and new tools to combat trafficking. The law provides for assistance to women, children and men who have become victims of trafficking through activities related to prostitution, pornography, sexual abuse, forced labor and forced organ trade. It intensifies punishment against traffickers, shields victims from prosecution, provides victims with legal rehabilitation, and provides for the concealment of their identities and those of their families.

Since the 2008 law came into force, the Royal Thai Government (RTG) has taken substantial steps to implement it (ref. D). The RTG identified \$1.7 million to endow a new anti-TIP fund available to government and non-governmental organizations. The RTG is establishing exclusively for male TIP victims four new shelters, one of which is already in use. With the help of members of civil society, relevant RTG ministries published guidelines to improve the victim identification process as well as TIP operations specifically targeting labor trafficking cases. Thai law enforcement and civilian officials trained thousands of individuals on the new TIP law, including police officers, immigration officers, prosecutors, social workers, and members of civil society.

The Ministry of Social Development and Human Security (MSHDS) created a Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) sub-committee to develop subordinate regulations to the new TIP Law, essential to its effective implementation. The sub-committee consists of government officials from relevant agencies, academics, and representatives from civil society. The six implementing regulations developed thus far aim to:

- establish rules regarding the protection and use of documents or information related to TIP offenses,

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- establish norms on the registration of non-governmental organizations (NGOs) and the assistance they provide during anti-TIP operations,

- establish, and manage the operation of, an Anti-Trafficking in Persons Fund to finance anti-TIP programs of the RTG, provincial governments, police, NGOs, and others.

- improve the provision of temporary protection for trafficking victims,

- establish rules governing TIP victim assistance, repatriation, and compensation, and

- define "competent official" to determine which official has authority to perform certain duties under the law.

According to MSDHS, in September 2005, the RTG allocated 100 million baht (USD 2.85 million) to government activities to combat human trafficking. From September 2005 to January 2009, 53.68 million baht (USD 1.54 million) had been disbursed. Of the 53.68 million baht, 47.76 million baht (89 percent) was used for 21 investigation and interrogation activities, 60 trainings, and 8 awareness raising campaigns. Another 5.03 million baht was provided to trafficking victims and 0.8 million baht was used for the rescue and repatriation of trafficking victims abroad. In 2008, 3.11 million baht (88,857 USD) was used for both investigation and interrogation activities (2 million baht) and for distribution to 124 trafficked victims (1.1 million baht).

-- B. WHICH GOVERNMENT AGENCIES ARE INVOLVED IN ANTI-TRAFFICKING EFFORTS AND WHICH AGENCY, IF ANY, HAS THE LEAD?

The new TIP law stipulated the RTG must establish an Anti-Trafficking in Persons Committee (ATP) chaired by the Prime Minister and a Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) chaired by a Deputy Prime Minister. According to MSDHS, the RTG has set-up the two committees but, due to Thailand's political turmoil in 2008, the committees' first meetings were delayed. The first meeting of the ATP took place on February 23, 2009.

The government agency responsible for coordinating the RTG's anti-TIP work is the Ministry of Social Development and Human Security (MSDHS). Other RTG entities involved include the Ministry of Labor (MOL), the Ministry of Tourism and Sports, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Education, the Bureau of University Affairs, the

Ministry of Public Health, the Ministry of Industry, the Ministry of Agriculture and Agricultural Cooperatives, the Attorney General's office, the Royal Thai Police (RTP), the Department of Special Investigation (DSI), the Office of the National Human Rights Commission, and the Office of the Prime Minister.

Different agencies take the lead on different aspects of anti-TIP work, depending on the nature of the activities involved. With regard to investigation and prosecution, the Children and Women Protection Division (CWD) of the Royal Thai Police (RTP) was established in July 2005 as a specialized division for investigating crimes involving children, juveniles, women, and laborers. According to the MFA, in 2008, the Transnational Crime Coordination Center (TCCC) was set up in the Royal Thai Police to be a specialized unit responsible for collecting and analyzing information, strategic planning, and coordinating work on eleven types of transnational crimes (including human trafficking). The Department of Special Investigations (DSI) also designated five officers to work specifically on human trafficking. Likewise, the Immigration Police Office designated officers in each province to work with the MOL's Department of Employment to identify potential victims and to provide them assistance with the support from MSDHS.

MSDHS' National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT) is a focal point to coordinate prevention and suppression of TIP with relevant RTG agencies. This office, led by the Deputy Permanent Secretary of MSDHS, is also assigned to be the secretariat of the two national-level TIP committees (ATP and CMP). At the provincial level, 75 Provincial Operation Centers on

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Prevention and Suppression of Human Trafficking (POCHT) have been formed, reporting to a central coordinating committee. MSDHS' Bureau of Anti-Trafficking in Woman and Children (BATWC) is responsible for providing general assistance, shelter, and protection to victims of human trafficking. MSDHS is also responsible for training the RTG's multi-disciplinary teams as well as awareness raising campaigns nationwide to prevent human trafficking.

-- C. WHAT ARE THE LIMITATIONS ON THE GOVERNMENT'S ABILITY TO ADDRESS THIS PROBLEM IN PRACTICE? FOR EXAMPLE, IS FUNDING FOR POLICE OR OTHER INSTITUTIONS INADEQUATE? IS OVERALL CORRUPTION A PROBLEM? DOES THE GOVERNMENT LACK THE RESOURCES TO AID VICTIMS?

Thailand is a migration hub in Southeast Asia with a relatively prosperous economy that attracts migrants from neighboring countries who flee conditions of poverty and, in the case of Burma, political and military repression as well. TIP-related transnational organized crime has been facilitated by modern communications technology and transportation links, allowing traffickers to take advantage of income inequalities within Thailand and between countries.

In Thailand, there were additional factors contributing to human trafficking, including a lack of educational opportunities and occupational training for migrants, budgetary shortfalls affecting the provision of social services, strong demand for sexual services in the tourism and entertainment sectors, and an increasing supply of migrant laborers. In some sectors, especially domestic services and fishing or fisheries related industries, employers relied on migrant workers (registered or otherwise) to fill jobs in which Thai citizens have shown little interest.

Police operations were limited by poorly centralized data collection capabilities, limited funds, and a lack of continuity of investigations due to frequent personnel rotations and turnover. Similarly, prosecutors' offices are understaffed and lack sufficient resources to effectively see cases through to conclusion. Resources for protection, both financial and human, within the Ministry of Labor were also limited. Observers reported that cooperation between the police and prosecutors to effectively bring TIP cases to successful prosecution is an area requiring improvement.

-- D. TO WHAT EXTENT DOES THE GOVERNMENT SYSTEMATICALLY MONITOR ITS ANTI-TRAFFICKING EFFORTS (ON ALL FRONTS -- PROSECUTION, VICTIM

PROTECTION, AND PREVENTION) AND PERIODICALLY MAKE AVAILABLE, PUBLICLY OR PRIVATELY AND DIRECTLY OR THROUGH REGIONAL/INTERNATIONAL ORGANIZATIONS, ITS ASSESSMENTS OF THESE ANTI-TRAFFICKING EFFORTS?

According to section 16(5) of the 2008 Anti-Trafficking in Persons Act, the ATP must direct and supervise the arrangement of study or research projects and the development of an integrated database system to benefit the prevention and suppression of trafficking in persons. Section 40 of the Act stipulates that MSDHS shall prepare an annual report regarding Thailand's TIP situation, including guidelines for future activities.

Since 2007, the Thai government has increased its efforts to report regularly on its anti-trafficking efforts in publications, international forums and seminars. A website, www.humantrafficking.go.th/en_index.php, is run by MHDHS and includes news on government and NGOs activities as well as media report on human trafficking. The Centre Against International Human Trafficking in the Office of Attorney General (OAG) has been, since mid-2008, developing a system to monitor the prosecution of human trafficking cases on which it works. The system, however, is not yet operational.

The RTG participated in research and monitoring programs run by organizations such as the United Nations Inter-Agency Project on Human Trafficking (UNIAP), the International Labor Organization's International Program to Eliminate Child Labor (ILO-IPEC), the International Organization for Migration (IOM), and the UN Office on

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Drugs and Crime (UNODC).

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. EXISTING LAWS AGAINST TIP: DOES THE COUNTRY HAVE A LAW OR LAWS SPECIFICALLY PROHIBITING TRAFFICKING IN PERSONS -- BOTH FOR SEXUAL EXPLOITATION AND LABOR? IF SO, PLEASE SPECIFICALLY CITE THE NAME OF THE LAW(S) AND ITS DATE OF ENACTMENT AND PROVIDE THE EXACT LANGUAGE [ACTUAL COPIES PREFERABLE] OF THE TIP PROVISIONS. PLEASE PROVIDE A FULL INVENTORY OF TRAFFICKING LAWS, INCLUDING NON-CRIMINAL STATUTES THAT ALLOW FOR CIVIL PENALTIES AGAINST ALLEGED TRAFFICKING CRIMES (E.G., CIVIL FORFEITURE LAWS AND LAWS AGAINST ILLEGAL DEBT). DOES THE LAW(S) COVER BOTH INTERNAL AND TRANSNATIONAL FORMS OF TRAFFICKING? IF NOT, UNDER WHAT OTHER LAWS CAN TRAFFICKERS BE PROSECUTED? FOR EXAMPLE, ARE THERE LAWS AGAINST SLAVERY OR THE EXPLOITATION OF PROSTITUTION BY MEANS OF FORCE, FRAUD, OR COERCION? ARE THESE OTHER LAWS BEING USED IN TRAFFICKING CASES?

Thailand passed a comprehensive new anti-TIP law in 2007 that came into force on June 5, 2008 (ref D). Thailand's full complement of laws regarding TIP follows:

Prevention and Suppression of Trafficking Act (2008)

-- This comprehensive anti-trafficking law replaced the 1997 Prevention and Suppression of Woman and Children Trafficking Law. The new law allows for men to be classified as TIP victims (and entitled to relevant legal protections) as well as women and children, and covers both internal and external (transnational) forms of TIP.

-- The forms of trafficking covered by the new law extend to slavery, forced begging, forced labor and trade in organs, in addition to those categories previously covered by the 1997 law such as sexual exploitation, pornography production and distribution, and other forms of sexual exploitation.

-- Other elements of the law include the imposition of heavier penalties for all offenders involved in human trafficking; the ability of victims to claim compensation from the offender for any damages caused by human trafficking; measures to protect victims and witnesses during court trials against traffickers; the provision of shelter and other necessities for TIP victims, including physical, psycho-social, legal, educational, and health care assistance; and protection for victims and their immediate families within and outside the country to ensure their security and well being.

-- The Act stipulates that a fund for protection and suppression of human trafficking shall be established to (a) provide assistance and welfare protection to trafficked victims, (b) support suppression and prevention of human trafficking, and (c) assist trafficked victims to return to their place of residence. The fund shall draw upon annual budgetary support from the government, funding from intergovernmental and international organizations, donations from the private sector and confiscated assets of trafficking offenders.

Criminal Code (1956)

-- Defines punishment for a person who procures, lures, detains, traffics, distributes, or transports a man or woman for an indecent sexual purpose, with or without his or her consent. It also defines punishment for a pimp, a trafficker for labor exploitation, and human smuggler.

Immigration Act (1979)

-- Provides that foreigners who do not enter into Thailand through an immigration checkpoint with a valid passport and visa (in cases in which a visa is required) or other legal documents are considered illegal immigrants. Personnel at immigration checkpoints can prohibit any person from entering Thailand if it is suspected that he/she is involved in prostitution, the trading of women, children, drug smuggling, or other types of smuggling.

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Prevention and Suppression of Prostitution Act (1996)

-- Prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 18. Fines and terms of imprisonment under the Act are based on the age of the child involved, with more severe terms established for prostitution involving younger children. Penalties are imposed for those involved in child prostitution including customers, procurers, brothel owners, and those who force children into prostitution, including parents.

Criminal Code Amendment (no.14) (1997)

-- Imposes strong penalties on persons who sexually exploit women and children (both boys and girls) under 18 years old. It also penalizes violators who sell children to be beggars or to establishments which employ labor in a "cruel or hazardous fashion." It defines punishments for pimping, trafficking for labor exploitation, and human smuggling. The law, however, does not cover adult males.

Labor Protection Act (1998)

-- Protects child employees (under 18 years old) against the worst forms of child labor by imposing penalties on those who hire children under 15 years old and those who employed children between 15-18 years old in hazardous work or without appropriate rest periods. In addition, the law also imposes penalties on employers of child labor who fail to notify labor inspectors regarding their employment of young workers.

Money Laundering Control Act (1999)

-- Provides for the seizure of assets of persons who exploit children in the (illegal) commercial sex and narcotics industries. The Act also defines "predicate offense" to include any activities relating to (i) procuring, seducing or transporting for an indecent act a woman or child for sexual gratification of others; (ii) transporting a child and a minor; (iii) seducing or transporting such persons for prostitution, an offense while acting as an owner, supervisor or manager of a prostitution business or establishment or being a controller of prostitutes in a prostitution establishment.

Criminal Procedure Amendment Act (No. 20) (1999)

-- Revises the Criminal Procedure Code to protect children from

traumatic stress resulting from interviews, inquiries and the court trial process. In its revised form, the law requires that there be a social worker, a psychologist, an attorney, or a person requested by the child during investigation and trial. Further, videotape recording shall be used to take the statement of the child victim or witness in order to prevent the child from repeated traumatic interviews. It also allows a child to give testimony before the offender or his peers have a chance to contact the child or the child's family for the purpose of bribery or intimidation.

The Compulsory Education Act (2002)

-- States that education is compulsory for nine years (from grade one until grade nine or from seven years old to sixteen years old). Parents who neglect to send their children to school shall be subjected to a fine of 1,000 baht (USD 29).

Child Protection Act (2003)

-- Provides for the prohibition and elimination of exploitation of children in slave-like or bonded conditions, illicit activities, hazardous and arduous work, prostitution, pornography, or other similar activities. The Act defines the "child" as a person below 18 years of age, and makes him/her eligible to receive child protection and welfare assistance. This definition also applies to children with no legal status in Thai territory. The Act mandates

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the establishment of a National Child Protection Committee, along with the Bangkok Metropolitan and other Provincial Protection Committees, to recommend policies, plans, budgets, measures, to issue regulations and appoint sub-committees or working groups, and to promote the social welfare, safety, and protection of children.

The Witness Protection Act (2003)

-- Provides support to child and adolescent victims who are to be a witness or an informant in a trafficking or organized crime case.

Criminal Code Amendment Act no.19 (2007)

-- Extends the coverage of sexual exploitation to both boys and girls.

The Protection of Victims of Violence in the Family Act (2007)

-- States that any member of a family, especially children and women, are protected against all forms of abuse and exploitation.

The Promotion of Child and Youth Development Act (2007)

--Promotes programs and activities for children and youth to empower and prevent them from becoming victims of all forms of exploitation.

The Constitution of the Kingdom of Thailand (2007)

-- Section 52 provides that children (as well as youth, women, and members of families) shall have the right to be protected by the State against violence and unfair treatment and shall also have the right to receive rehabilitation in the event of such circumstances.
-- Section 84(7) of the Constitution states that the government should pursue economic policies that protect child and female laborers.

The Amendment of the Alien Employment Act (2008)

-- Systematizes workforce participation of migrant workers by prohibiting an employer from hiring migrant workers who do not have licenses to work with the employer. An employer who violates this law shall be subject to a fine of 10,000-100,000 baht (285-2,857 USD) per migrant worker. The Act also states that migrants along border areas who have travel documents under the Immigration Act shall be allowed to temporarily work in the area around the border. In addition, to ensure the safe repatriation of migrant workers, the Act requires that an employer must make deductions from a migrant

worker's salary to contribute to a repatriation fund. The Act also calls for an Alien Employment Committee to be set up in order to develop policies regarding alien employment and monitor the implementation progress of these policies.

-- B. PUNISHMENT OF SEX TRAFFICKING OFFENSES: WHAT ARE THE PRESCRIBED AND IMPOSED PENALTIES FOR TRAFFICKING PEOPLE FOR SEXUAL EXPLOITATION?

The Anti-TIP Act prescribes punishment for labor recruiters, labor agents and employers if they commit TIP offenses in accordance with three general elements of TIP, namely: actions, means and purposes as provided in Section 6 of the Act.

For a trafficker who is an individual person:

- If a trafficking offense is committed against an adult, penalties are 4-10 years imprisonment and a fine of 80,000 to 200,000 baht (2,285-5,714 USD).
- If a trafficking offense is committed against a child between 15 to 18 years old, penalties are 6-12 years imprisonment and a fine of 120,000 to 240,000 baht (3,429-6,857 USD).
- If a trafficking offense is committed against a child below 15 years old, penalties are 8-15 years imprisonment and a fine of 160,000 to 300,000 baht (4,571 - 8,571 USD).

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For a trafficker who/which is incorporated as a business

- a trafficker who/which is incorporated as a business shall be liable to a fine of 200,000 to 1,000,000 baht (5,714-28,571 USD) (NOTE: this provision is intended to be in addition to the penalty on individuals above, not instead of it).
- if an incorporated person/entity commits an offense due to an order or act of a person (e.g., the entity's Director), or through this person's negligence, the Director shall be subjected to penalties between 6-12 years and fine of 120,000-240,000 baht (3,429-6,857 USD).

Criminal Code Amendment no.14 (1997) makes a distinction between "voluntary" victims and "involuntary" victims (a "voluntary" victim is defined as someone who entered his/her situation voluntarily, despite the illegal exploitation he/she may have endured).

If the victims are voluntary, the Criminal Code prescribes penalties for human trafficking for sexual exploitation as follows:

- if victims are over 18 years old, 1-10 years imprisonment and fines of 2,000-20,000 Baht (57-571 USD);
- if victims are between 15 and 18 years old, 3-15 years imprisonment and fines of 6,000-30,000 Baht (171-857 USD);
- if victims are under 15 years old, 5-20 years imprisonment and fines of 10,000-40,000 Baht (286-1,143 USD).

If the victims are involuntary, the Criminal Code prescribes penalties for trafficking people for sexual exploitation as follows:

- if victims are over 18 years old, 5-20 years imprisonment and fines of 10,000-40,000 Baht (286-1,143 USD);
- if victims are between 15 and 18 years old, 7-20 years imprisonment and fines of 14,000-40,000 Baht (400-1,143 USD), or life imprisonment
- if victims are under 15 years old, 10-20 years imprisonment and fines of 20,000-40,000 Baht (571-1,143 USD), or life imprisonment.

-- C. PUNISHMENT OF LABOR TRAFFICKING OFFENSES: WHAT ARE THE PRESCRIBED AND IMPOSED PENALTIES FOR TRAFFICKING FOR LABOR EXPLOITATION, SUCH AS FORCED OR BONDED LABOR? IF YOUR COUNTRY IS A SOURCE COUNTRY FOR LABOR MIGRANTS, DO THE GOVERNMENT'S LAWS PROVIDE FOR CRIMINAL PUNISHMENT -- I.E. JAIL TIME -- FOR LABOR RECRUITERS WHO ENGAGE IN RECRUITMENT OF WORKERS USING KNOWINGLY FRAUDULENT OR DECEPTIVE OFFERS WITH THE PURPOSE OF SUBJECTING WORKERS TO TRAFFICKING IN THE DESTINATION COUNTRY? IF YOUR COUNTRY IS A DESTINATION FOR LABOR MIGRANTS, ARE THERE LAWS PUNISHING EMPLOYERS OR LABOR AGENTS WHO CONFISCATE WORKERS' PASSPORTS OR TRAVEL DOCUMENTS FOR THE PURPOSE OF TRAFFICKING, SWITCH CONTRACTS WITHOUT THE WORKER'S CONSENT AS A MEANS TO KEEP THE WORKER IN A STATE OF SERVICE, OR WITHHOLD PAYMENT OF SALARIES AS MEANS OF KEEPING THE

WORKER IN A STATE OF SERVICE?

Various Thai laws impose penalties for different aspects of labor trafficking offenses:

Anti-Human Trafficking Act (2008)

The Anti-TIP Act prescribes punishment for labor recruiters, labor agents and employers if they commit TIP offenses in accordance with three general elements of TIP, namely: actions, means and purposes as provided in Section 6 of the Act.

For a trafficker who is an individual person:

- If a trafficking offense is committed against an adult, penalties are 4-10 years imprisonment and a fine of 80,000 to 200,000 baht (2,286-5,714 USD).
- If a trafficking offense is committed against a child between 15 to 18 years old, penalties are 6-12 years imprisonment and a fine of 120,000 to 240,000 baht (3,429-6,857 USD).
- If a trafficking offense is committed against a child below 15 years old, penalties are 8-15 years imprisonment and a fine of 160,000 to 300,000 baht (4,571 - 8,571 USD).

For a trafficker who/which is incorporated as a business

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- a trafficker who/which is incorporated as a business shall be liable to a fine of 200,000 to 1,000,000 baht (5,714-28,571 USD) (NOTE: this provision is intended to be in addition to the penalty on individuals above, not instead of it).
- if an incorporated person/entity commits an offense due to an order or act of a person (e.g., the entity's Director), or through this person's negligence, the Director shall be subjected to penalties between 6-12 years and fine of 120,000-240,000 baht (3,428-6,857 USD).

Labor Employment Act

- If an individual lures a victim into work in Thailand (i.e., domestically, without crossing borders), the penalties are up to 3 years imprisonment or fines not exceeding 60,000 baht (1,714 USD) or both.
- If an individual without a license lures a person to work abroad, the penalties are 3-10 years imprisonment and fines 60,000- 200,000 baht (1,714-5,714 USD).
- If an individual lures a person to work or to be trained abroad through fraud, the penalties are 3-10 years imprisonment and fines 60,000-200,000 baht (1,714-5,714 USD).

Labor Protection Act

- Employment of a child below the age of 15 carries a penalty of up to 1 year imprisonment or fines up to 200,000 baht (USD 5,714) or both.
- Failure to provide rest periods or forcing a child worker to perform prohibited tasks results in a 6-month imprisonment or a fine not exceeding 100,000 (USD 2,857) baht or both.
- Forcing a child to work during prohibited hours carries a penalty of up to 1 year imprisonment or a fine of up to 200,000 baht (USD 5,714) or both.
- Forcing an adult to work more than 36 hours per week are subjected to a penalty of not exceeding 6 months imprisonment or fines not exceeding 100,000 baht (USD 2,857) or both.
- Forcing an adult to work continuously more than 5 hours per day without at least 1 hour break shall be subjected to fines of not exceeding 20,000 baht (571 USD).

The Criminal Code Act

The Criminal Code prescribes criminal penalties for a person who detains, confines, lures, procures, traffics, or forces an individual into slave-like situations as follows:

--Section 312:

- if victims are is an adult, an offender will be subjected to the

imprisonment not exceeding 7 years and fines not exceeding 14,000 baht (400 USD);

--Section 312(2):

- if victims are under 15 years old, an offender will be subjected to 3-10 years imprisonment and fines not exceeding 20,000 baht (571 USD);
- if victims are abused physically or mentally, an offender will be subjected to 5-15 years imprisonment and fines not exceeding 30,000 baht (857 USD);
- if victims are seriously injured, an offender will be subjected to life-time imprisonment or between 7-20 years imprisonment;
- if victims die, an offender will be subject to the death penalty or life-time imprisonment or between 15-20 years imprisonment.

--Section 312(3):

- A person who receives, distributes, procures, lures or transports a person 15-18 years old, shall be subjected to not exceeding 5 years imprisonment or fines of not exceeding 10,000 baht (285 USD) or both.
- A person who receives, distributes, procures, lures or transports a person under 15 years old, shall be subjected to not exceeding 7 years imprisonment or fines of not exceeding 14,000 baht (400 USD)

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or both.

-- D. WHAT ARE THE PRESCRIBED PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT?

In 2008, the RTG imposed stronger penalties on those who commit rape or forcible sexual assault through the amended criminal code as follows:

Criminal Code Amendment (no.19) (2008)

--Section 276 (amendment no.19, 2008):

-In the case of forced rape or forcible sexual exploitation, between 4-20 years imprisonment or fines between 8,000-40,000 baht (229-1,143 USD). If an offender uses a weapon or is involved in a group rape, between 15-20 years imprisonment and fines between 30,000-40,000 baht (857-1,143 USD), or life imprisonment.

--Section 277 (amendment no.19, 2008):

In the case of sexual exploitation:

- If the victims are under 13 years old, penalties are 7-20 years imprisonment, and fines between 14,000-40,000 Baht (400-1,143 USD) or life imprisonment.
- If the victims are under 15 years old, penalties are 4-20 years imprisonment, and fines between 8,000-40,000 Baht (228-1,143 USD).
- If an offender uses a weapon or is involved in a group rape, life imprisonment.

--If an offender who commits a crime under section 276 and 277 and causes a victim to be seriously injured, the offender shall be subjected to 15-20 years imprisonment and fines between 30,000-40,000 baht (857-1,143 USD) or life imprisonment.

--If an offender commits a crime under section 276 and 277 and causes a victim to die, the offender shall be subjected to the death penalty or life imprisonment.

--If an offender commits a crime under section 276 and 277 and uses a weapon or is involved in a group rape that causes a victim to be seriously injured, the offender shall be subjected to the death penalty or life imprisonment.

--If an offender commits a crime under section 276 and 277 and uses a weapon or is involved in a group rape that causes a victim to die, the offender shall be subjected to the death penalty.

Prevention and Suppression of Prostitution Act (1996)

If a person detains, confines, threatens, forces, tortures or rapes others into prostitution, the penalties are 10-20 years imprisonment and fines of 200,000-400,000 baht (5,714-11,429 USD). The law also

provides for offenders to receive a life sentence if responsible for serious injury to prostitutes and the death penalty if prostitutes are killed. The law also punishes those who assist an offender who harms a prostitute.

-- E. LAW ENFORCEMENT STATISTICS: DID THE GOVERNMENT PROSECUTE ANY CASES AGAINST HUMAN TRAFFICKING OFFENDERS DURING THE REPORTING PERIOD? IF SO, PROVIDE NUMBERS OF INVESTIGATIONS, PROSECUTIONS, CONVICTIONS, AND SENTENCES IMPOSED, INCLUDING DETAILS ON PLEA BARGAINS AND FINES, IF RELEVANT AND AVAILABLE. PLEASE NOTE THE NUMBER OF CONVICTED TRAFFICKERS WHO RECEIVED SUSPENDED SENTENCES AND THE NUMBER WHO RECEIVED ONLY A FINE AS PUNISHMENT. PLEASE INDICATE WHICH LAWS WERE USED TO INVESTIGATE, PROSECUTE, CONVICT, AND SENTENCE TRAFFICKERS. ALSO, IF POSSIBLE, PLEASE DISAGGREGATE NUMBERS OF CASES BY TYPE OF TIP (LABOR VS. COMMERCIAL SEXUAL EXPLOITATION) AND VICTIMS (CHILDREN UNDER 18 YEARS OF AGE VS. ADULTS). IF IN A LABOR SOURCE COUNTRY, DID THE GOVERNMENT CRIMINALLY PROSECUTE LABOR RECRUITERS WHO RECRUIT WORKERS USING KNOWINGLY FRAUDULENT OR DECEPTIVE OFFERS OR BY IMPOSING FEES OR COMMISSIONS FOR THE PURPOSE OF SUBJECTING THE WORKER TO DEBT BONDAGE? DID THE GOVERNMENT IN A LABOR DESTINATION COUNTRY CRIMINALLY PROSECUTE EMPLOYERS OR LABOR AGENTS WHO CONFISCATE

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WORKERS' PASSPORTS/TRAVEL DOCUMENTS FOR THE PURPOSE OF TRAFFICKING, SWITCH CONTRACTS OR TERMS OF EMPLOYMENT WITHOUT THE WORKER'S CONSENT TO KEEP WORKERS IN A STATE OF SERVICE, USE PHYSICAL OR SEXUAL ABUSE OR THE THREAT OF SUCH ABUSE TO KEEP WORKERS IN A STATE OF SERVICE, OR WITHHOLD PAYMENT OF SALARIES AS A MEANS TO KEEP WORKERS IN A STATE OF SERVICE? WHAT WERE THE ACTUAL PUNISHMENTS IMPOSED ON PERSONS CONVICTED OF THESE OFFENSES? ARE THE TRAFFICKERS SERVING THE TIME SENTENCED? IF NOT, WHY NOT?

The Thai Royal Police's Children and Women Protection Division (CWD) reported that CWD alone (not including other police divisions) investigated 54 offenders of human trafficking cases, involving 82 TIP victims. Out of the 54 offenders, 34, 12 and 8 were charged for forced prostitution, procurement for the purpose of prostitution, and forced child labor respectively. Statistics by type of crime and nationality (when available) are as follows:

Number of TIP investigations by CWD (Jan-Dec 2008)		
(Unit: Number of Persons)		
Number of offenders	Number of victims	
	-----	-----
Forced prostitution	34	19
	(33 Thai, 1 Lao)	(17 Thai, 2 Lao)
Procuring for prostitution	12	29
Forced child labor	8	34
	(3 Thai, 5 Burm.)	(2 Thai, 28 Burmese, 4 Lao)
Total	54	82
	(36 Thai, 1 Lao, 5 Burm.)	(19 Thai, 6 Lao, 28 Burm.)
(Source: Children and Women Protection Division (CWD))		

Instances of major TIP cases prosecuted (both open and complete) in 2008, as well as details of other well-known cases with new information during 2008, follow:

On March 10, 2008, the immigration police, NGOs and social workers conducted a raid in a shrimp peeling factory, "Anoma." Out of 316 workers, 73 were identified as victims of trafficking. On September 18, 2008, the Ministry of Labor's Department of Labor Protection and Welfare (DLPW) ordered the employers to provide compensation to victims for unpaid wages, over time and holiday payments within 30 days. When the factory owner failed to comply, DLPW prepared civil charges to bring before the courts. The police filed criminal charges against six offenders (the factory owner and her brother, as well as four Burmese labor brokers) with the Office of the Attorney General on August 19, 2008. A preliminary hearing was conducted on October 13, 2008. The defendants and victims provided statements to the court in February 2009. The offenders are charged with forcing people into a slave-like situation; procuring, transporting and detaining a person; and assisting the smuggling of migrants into

Thailand illegally (under the Criminal Code Act, Immigration Act, Alien Employment Act, Labor Protection Act, and the Prevention and Suppression of Trafficking in Women and Children Act).

Chamroen Intrasombat, 41 years old from Udonthani, was arrested in April 2008 for allegedly kidnapping a 10 year-old boy to sell handicraft products to train passengers. The boy said he went with Mr. Chamroen because he promised to buy him a toy gun. Mr. Chamroen, who had been prosecuted three times on abduction charges, had been released from jail in February 2007 after serving 4 years and 4 months for kidnapping children.

In June 2008, a criminal court sentenced a 63 year-old woman, Ms. Jomsri Srisam-aung, to 14 years in prison for trafficking two young women (in their 20s and 30s) to Italy for prostitution. The two women were lured from their home town in northeast Thailand with the promise of work in Ms. Jomsri's daughter's restaurant in Italy. However, when they arrived in Italy, they were told no jobs existed and they were forced to work as prostitutes. The women were later rescued by Italian police and sent home in 2006.

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On June 26, 2008, a female Thai labor broker, Ms. Luck Petchumpol, was sentenced by the Bangkok Criminal Court to 94 years and 90 months imprisonment under the Thai Penal Code and the Prevention and Suppression of Prostitution Act. The maximum imprisonment was later reduced to 50 years imprisonment. Ms. Petchumpol was charged with taking minors (ages eleven and fourteen) away from their parents without permission for the purpose of sexual exploitation. An American citizen, to whom the children were provided, was also sentenced to 16 years for offenses related to sexual intercourse and indecent acts with children, but was released on bond pending appeal.

The Children and Women Protection Division (CWD) arrested a Burmese woman on July 14, 2008 on charges of child exploitation and human trafficking. The victim, a 16 year-old Burmese girl, was forced to sell flowers at night in Bangkok since she was 10 years old. The victim reported being beaten if she did not earn enough money.

On July 30 2008, a task force composed of police, social welfare officers, and an NGO official rescued 10 girls and women from the "Ice Karaoke" bar in Payao province. The team identified 6 victims of trafficking among them, from 14-18 years old (one 14, one 15, three 17, and one 18 years old). The victims remain in a government welfare shelter. Criminal proceedings are underway against two individuals, the owner of the establishment and an individual charged with procuring for purposes of prostitution. Prosecutors are also seeking damages in the amount of 100,000 baht (2,857 USD) per victim.

On September 14, 2006, police raided the "Ranya Paew" shrimp processing factory in Samut Sakhon after being tipped off by local labor activists. Police identified 66 victims of trafficking in the factory. Victims (mostly Burmese) lived in squalid conditions where they were forced to work, beaten, and unable to leave. After being rescued, all 66 victims (63 female and 3 male) were sent to MSDHS shelters. Out of 66 victims, 4 were family members who were allowed to live together in one of the shelters. In October 2008, a Thai labor court awarded 3,600,000 Baht (USD 102,857) in compensation to the 66 victims and the RTG helped pay the plaintiffs' attorney fees. The police interviewed 66 victims between December 2006-March 2008 and other witnesses before filing with prosecutors, in July 2008, criminal charges against three factory owners for (1) detaining or confining workers (2) putting workers into slavery situations, (3) receiving, distributing, procuring, or luring workers, and (4) conspiring with more than 2 people to commit crimes against women and children. The public prosecutor requested that the court allow for pre-trial witness statements from 23 victims, while 43 victims were sent back to Burma on October 16, 2008. To repatriate these 43 victims, the RTG coordinated with the Burmese government. The repatriated victims were reportedly sent to the Mao Lum Yai shelter in Burma where they stayed for 11 days before returning to their homes. The 23 victims who volunteered to provide pre-trial statements were repatriated on December 3, 2008 through a process

that involved NGOs and international organizations.

A fleet of six fishing vessels (called "Prapha Navee") returned to a Thai port in July 2006, and reported 39 deaths among their crewmembers of over 100. Survivors testified that the cause of death was starvation and malnutrition due to the failure of the fleet captains to provide food, and that the bodies of the 39 deceased were thrown overboard. In September 2008, a Labor Court ordered 38 surviving crew members receive 3.8 million baht (108,571 USD) in back wages; the decision is under appeal. Meanwhile, new police investigators have reportedly taken over the case as the original criminal investigation stalled. To date, no arrests have been made.

Christopher Paul Neil, a Canadian who was serving 3 years and 3 months in prison for sexually abusing a 13-year-old boy, was sentenced November 14, 2008 to 9 years in prison on 3 additional charges of abusing a 9 year-old-boy. The court ordered Neil to pay 50,000 baht (1,429 USD) compensation to the boy's family.

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-- F. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN HOW TO RECOGNIZE, INVESTIGATE, AND PROSECUTE INSTANCES OF TRAFFICKING? SPECIFY WHETHER NGOS, INTERNATIONAL ORGANIZATIONS, AND/OR THE USG PROVIDE SPECIALIZED TRAINING FOR HOST GOVERNMENT OFFICIALS.

In 2008, the RTG developed "Guidelines on Trafficked Victim Identification" for use by police officers, immigration officers, social workers and members of civil society to better identify potential trafficking victims under Thailand's new TIP law. The guidelines, in the form of a questionnaire to be used while interviewing a potential victim during or after an anti-TIP operation, provide a framework for interviewing officials to have a clearer understanding of what defines a TIP victim. The guidelines state that a person can be a victim of trafficking even if he/she originally participated voluntarily in the activity in question and regardless of one's immigration or worker registration status. They also explain that debt bondage is considered a type of human trafficking, and instruct that various types of supporting evidence should be considered when identifying trafficking victims (i.e., evidence of physical abuse or psychological trauma, etc).

In addition, the Ministry of Labor (MOL), working with other concerned ministries, developed "Operational Guidelines for Labor Trafficking," formally agreed upon in April 2008. The guidelines were established to improve coordination among members of multi-disciplinary teams, consisting of both government and non-government officials, during labor trafficking operations (i.e., rescue and protection). MOL contacts report that trainings on these guidelines are being planned for officials within the ministry.

In light of the 2008 Anti-TIP laws and Guidelines on Trafficked Victim Identification, the RTG conducted the following anti-trafficking workshops and training sessions in 2008:

-- The Royal Thai Police and MSDHS co-conducted numerous one-day trainings for police officers that focused on the Anti-TIP law and victim identification process. MSDHS reported that 2,500 police received training in FY 2008 and that an additional 2,500 would be reached in FY 2009.

-- The Office of Welfare Promotion, Protection, and Empowerment of Vulnerable Groups (OPP) under the Ministry of Social Development and Human Security (MSDHS) organized two "National Trainings on Human Trafficking" for approximately 80 frontline officers (members of multidisciplinary teams, both governmental and civil society members) in September 2008, to provide a better understanding on the new anti-TIP law and related procedures. These trainings, part of which Embassy officials attended, spanned three to five days with the goal of developing lasting relationships among attendees to improve their coordination efforts. From 2006 to June 2008 when the new anti-TIP law came into force, MSDHS trained an additional 706 individuals on victim protection and assistance.

-- In 2008, the Center Against International Human Trafficking (CAHT) of the Office of the Attorney General organized 10 workshops for prosecutors nationwide, including 550 participants, on effective prosecution of TIP cases. An Embassy-based prosecutor specializing in TIP cases participated in 4 of these workshops.

-- The Ministry of Justice's Rights and Liberties Protection Department trained approximately 25 victim/witness specialists, with assistance from the Embassy. The one-day training course focused on how to more effectively involve victims and witnesses of TIP cases in the criminal justice process.

--MSDHS organized 3-day training courses for approximately 350 social workers who work at victim shelters.

--G. DOES THE GOVERNMENT COOPERATE WITH OTHER GOVERNMENTS IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING CASES? IF POSSIBLE, PROVIDE THE NUMBER OF COOPERATIVE INTERNATIONAL INVESTIGATIONS ON TRAFFICKING DURING THE REPORTING PERIOD.

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The Thai government has strengthened cooperation against TIP through bilateral and multilateral agreements among the countries in the Greater Mekong Sub-region (GMS), as follows:

-- Cambodia: the MOU between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victim of Trafficking, was signed on May 31, 2003. This MOU covers cooperation in 3 areas: 1) return and reintegration, 2) prosecution process guidelines and 3) information sharing.

-- GMS: the MOU on Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) was signed on October 29, 2004. This joint declaration among six Mekong sub-region countries affirms a political commitment to eradicating all forms of TIP in the Greater Mekong sub region. Member countries reviewed the achievements of the first Sub-regional Plan of Action (SPA) in 2005- 2007 and endorsed the Second SPA 2008-2010 focusing on 7 areas: 1) Training and Capacity Building, 2) National Plans of Action, 3) Multilateral and Bilateral Partnerships, 4) Legal Frameworks, Law Enforcement, and Justice, 5) Victim Identification, Protection, Recovery and Reintegration, 6) Preventive Measures, and 9) Cooperation with the Tourism Sector. In November 5-6 2008 COMMIT meetings, COMMIT countries agreed to invite Malaysia to join the Initiative.

-- Laos: the MOU between Thailand and Laos on Cooperation to Combat Trafficking in Persons, Especially Women and Children, was signed on July 31, 2005. On February 6-8, 2006, Laos and Thailand endorsed the Bilateral Action Plan and Guidelines on Procedures of Victim Return and Victim Rehabilitation, Especially Women and Children.

-- Vietnam: the MOU between Thailand and Vietnam on Cooperation to Combat Trafficking in Persons was signed on March 24, 2008. The Prime Ministers of both countries signed an agreement regarding future cooperation between Vietnam and Thailand in the fight against human trafficking, especially of women and children. In September 2008, a bilateral meeting to develop a joint action plan took place.

The plan developed includes: (i) setting up a bilateral working group to combat human trafficking, (ii) assessing the bilateral human trafficking situation and providing recommendations for preventive measures, (iii) collaborating on the provision of protection and repatriation of TIP victims, and (iv) coordinating on prevention measures as well as prosecution and investigation through the sharing and exchange of information and experience.

-- Burma: In April 2008, the RTG and Burmese government agreed on a draft MOU on Cooperation to Combat Trafficking in Persons. The draft MOU covers prevention, protection, prosecution, repatriation, and collaboration. The draft MOU is reportedly being reviewed by the Burmese Ministry of Foreign Affairs. While the MOU was not yet in effect, the Thai government worked closely with the Burmese government in 2008 to repatriate the 66 TIP victims from the Ranya Paew case.

-- Malaysia: The RTG proposed in July 2007 that Thailand and

Malaysia sign a MOU on Cooperation to Combat Trafficking in Persons.

The RTG sent a draft MOU to the Malaysian government for consideration, although there was reportedly no progress in this area. Nonetheless, after Thailand's new anti-TIP law came into force in June 2008, Malaysian police and Thai CWD police jointly participated in two trainings on TIP laws during 2008.

-- Australia: MSDHS and the Australian Federal Police (AFP) are reportedly developing a draft MOU on cooperation on the repatriation of trafficked victims and dissemination of information to the public. In addition, on July 4, 2008, the RTG signed an MOU with the Asia Regional Trafficking in Persons Project (ARTIP), funded by the Australian government, to support law enforcement and capacity building on investigatory and prosecution processes.

Moreover, CWD officers collaborated in the investigation and prosecution of human trafficking cases with their counterparts in countries such as England, Australia, Germany, Belgium, Cambodia,

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Burma, Malaysia, Indonesia, and Sweden.

-- H. DOES THE GOVERNMENT EXTRADITE PERSONS WHO ARE PERSONS CHARGED WITH TRAFFICKING IN OTHER COUNTRIES? IF SO, PLEASE PROVIDE THE NUMBER OF TRAFFICKERS EXTRADITED DURING THE REPORTING PERIOD, AND THE NUMBER OF TRAFFICKING EXTRADITIONS PENDING. IN PARTICULAR, PLEASE REPORT ON ANY PENDING OR CONCLUDED EXTRADITIONS OF TRAFFICKING OFFENDERS TO THE UNITED STATES.

According to the RTG, in 2008, the Office of the Attorney General (OAG) dealt with 5 requests for mutual legal assistance and 1 request for TIP-related extradition. The extradition case remains under consideration.

-Q. IS THERE EVIDENCE OF GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING, ON A LOCAL OR INSTITUTIONAL LEVEL? IF SO, PLEASE EXPLAIN IN DETAIL.

There is no evidence of government involvement in or tolerance of trafficking on an institutional level. Post has received some information on allegations that one to two local government officials were individually involved in a transnational human trafficking case. A UN agency that received at least some of this information deemed it too preliminary and incomplete to raise with the RTG. Some observers suspected corruption at the local-level, but credible and detailed information has not been forthcoming.

-- J. IF GOVERNMENT OFFICIALS ARE INVOLVED IN TRAFFICKING, WHAT STEPS HAS THE GOVERNMENT TAKEN TO END SUCH PARTICIPATION? PLEASE INDICATE THE NUMBER OF GOVERNMENT OFFICIALS INVESTIGATED AND PROSECUTED FOR INVOLVEMENT IN TRAFFICKING OR TRAFFICKING-RELATED CORRUPTION DURING THE REPORTING PERIOD. HAVE ANY BEEN CONVICTED? WHAT SENTENCE(S) WAS IMPOSED? PLEASE SPECIFY IF OFFICIALS RECEIVED SUSPENDED SENTENCES, OR WERE GIVEN A FINE, FIRED, OR REASSIGNED TO ANOTHER POSITION WITHIN THE GOVERNMENT AS PUNISHMENT. PLEASE INDICATE THE NUMBER OF CONVICTED OFFICIALS THAT RECEIVED SUSPENDED SENTENCES OR RECEIVED ONLY A FINE AS PUNISHMENT.

According to section 12 of the 2008 Anti-TIP law, government officials who are involved in or commit crimes under the Act shall be subjected to double the punishment stipulated for such offense. Post was not aware of government officials investigated or prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period.

-- K. IS PROSTITUTION LEGALIZED OR DECRIMINALIZED? SPECIFICALLY, ARE THE ACTIVITIES OF THE PROSTITUTE CRIMINALIZED? ARE THE ACTIVITIES OF THE BROTHEL OWNER/OPERATOR, CLIENTS, PIMPS, AND ENFORCERS CRIMINALIZED? ARE THESE LAWS ENFORCED? IF PROSTITUTION IS LEGAL AND REGULATED, WHAT IS THE LEGAL MINIMUM AGE FOR THIS ACTIVITY? NOTE THAT IN COUNTRIES WITH FEDERALIST SYSTEMS, PROSTITUTION LAWS MAY BE UNDER STATE OR LOCAL JURISDICTION AND MAY DIFFER AMONG JURISDICTIONS.

In Thailand, prostitution is illegal under the "Prevention and Suppression of Prostitution Act of 1996." This Act outlaws the

receipt, procurement, or owning of a venue for the purposes of, prostitution. The activities of a prostitute are criminalized in certain circumstances, but not in cases when a prostitute is forced or influenced in a way that makes her/him unable to refuse. However, these provisions are not strictly enforced. The penalties as listed in the "Prevention and Suppression of Prostitution Act of 1996" follow:

-- Prostitutes

- If a person who, for the purpose of prostitution, solicits, induces, introduces herself or himself to, follows or importunes a person in a street, public place or any other place, which is committed openly and shamelessly or causes nuisance to the public, he/she shall be liable to a fine not exceeding 1,000 Baht (29 USD).
- If a person associates with another person in a prostitution establishment for the purpose of prostitution of oneself or another person, he/she shall be liable to up to 1 month imprisonment and

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finer not exceeding 1,000 Baht (29 USD), or both.

-- Customers

- If prostitutes are between 15 - 18 years old, penalties are 1-3 years imprisonment and fines between 20,000-60,000 baht (571-1,714 USD).
- If prostitutes are under 15 years old, penalties are 2-6 years imprisonment and fines between 40,000-100,000 baht (1,143-2,857 USD).

-- Procurers

- If prostitutes are over 18 years old, penalties are 1-10 years imprisonment and fines between 20,000-200,000 Baht (571-5,714 USD).

-If prostitutes are 15-18 years old, penalties are 5-15 years imprisonment and fines between 100,000-300,000 Baht (2,857-8,571 USD).

-If prostitutes are under 15 years old, penalties are 10-20 years imprisonment and fines between 200,000-400,000 Baht (5,714-11,429 USD).

-- Venue Owners

-If prostitutes are over 18 years old, penalties are 3-15 years imprisonment and fines between 60,000-300,000 baht (1,714-8,571 USD).

-If prostitutes are 15-18 years old, penalties are 5-15 years imprisonment and fines between 100,000-300,000 baht (2,857-8,571 USD).

-If prostitutes are under 15 years old, penalties are 10-20 years imprisonment and fines between 200,000-400,000 baht (5,714-11,429 USD).

-- Parents (if complicit in "selling" a minor)

-For prostitutes under 18 years old, penalties are 4-20 years imprisonment and fines between 80,000-400,000 baht (2,286-11,429 USD).

If a person detains, confines, threatens, forces, tortures or rapes others into prostitution, the penalties are 10-20 years imprisonment and fines of 200,000-400,000 baht (5,714-11,429 USD). The law also provides for offenders to receive a life sentence if responsible for serious injury to prostitutes and the death penalty if prostitutes are killed. The law also punishes those who assist an offender who harms a prostitute. If offenders are government officials, the penalties are 15-20 years imprisonment and fines between 300,000-400,000 baht (8,571-11,429 USD).

According to the RTG's National Statistics Office, the Ministry of Justice reported that 514 cases were prosecuted under the Prevention and Suppression of Prostitution Act of 1996 in the Criminal, Appeal and Supreme Courts. Statistics are as follows:

	Criminal Court	Appeals Court	Supreme Court
	-----	-----	-----
2006	12	54	353
2007	17	72	425

-- L. FOR COUNTRIES THAT CONTRIBUTE TROOPS TO INTERNATIONAL

PEACEKEEPING EFFORTS, PLEASE INDICATE WHETHER THE GOVERNMENT VIGOROUSLY INVESTIGATED, PROSECUTED, CONVICTED AND SENTENCED NATIONALS OF THE COUNTRY DEPLOYED ABROAD AS PART OF A PEACEKEEPING OR OTHER SIMILAR MISSION WHO ENGAGED IN OR FACILITATED SEVERE FORMS OF TRAFFICKING OR WHO EXPLOITED VICTIMS OF SUCH TRAFFICKING.

Per ref. A, paragraph 27 (G), not applicable.

-- M. IF THE COUNTRY HAS AN IDENTIFIED PROBLEM OF CHILD SEX TOURISTS COMING TO THE COUNTRY, WHAT ARE THE COUNTRIES OF ORIGIN FOR SEX TOURISTS? HOW MANY FOREIGN PEDOPHILES DID THE GOVERNMENT PROSECUTE OR DEPORT/EXTRADITE TO THEIR COUNTRY OF ORIGIN? IF YOUR HOST COUNTRY'S NATIONALS ARE PERPETRATORS OF CHILD SEX TOURISM, DO THE COUNTRY'S CHILD SEXUAL ABUSE LAWS HAVE EXTRATERRITORIAL COVERAGE (SIMILAR TO THE U.S. PROTECT ACT) TO ALLOW THE PROSECUTION OF SUSPECTED SEX TOURISTS FOR CRIMES COMMITTED ABROAD? IF SO, HOW MANY

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OF THE COUNTRY'S NATIONALS WERE PROSECUTED AND/OR CONVICTED DURING THE REPORTING PERIOD UNDER THE EXTRATERRITORIAL PROVISION(S) FOR TRAVELING TO OTHER COUNTRIES TO ENGAGE IN CHILD SEX TOURISM?

According to Embassy-based law enforcement officers, the countries of origin for sex tourists are Germany, the U.K, the U.S.A, Canada, New Zealand, Australia, and to a lesser extent, Japan. Approximately 20 child sex perpetrators were prosecuted in 2008 and at least 2 were deported back to their country of origin. In 2008, two Thai women were convicted and sentenced to prison for brokering children for prostitution.

According to the RTG, in 2008, the Office of the Attorney General received three requests for mutual legal assistance and five requests for extradition relating to child sexual abuse. Two extradition cases are pending trial in court. One case involves a fugitive. Two cases, which require additional documentation, are under consideration by prosecutors.

IV) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. WHAT KIND OF PROTECTION IS THE GOVERNMENT ABLE UNDER EXISTING LAW TO PROVIDE FOR VICTIMS AND WITNESSES? DOES IT PROVIDE THESE PROTECTIONS IN PRACTICE?

Under the Law

According to the 2008 Anti-TIP law, MSDHS shall provide assistance as appropriate to a trafficked person, including food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, return to the country of origin or domicile, and legal assistance with the processing of compensation. Trafficking victims have the right to receive information regarding the timeframe of the delivery of assistance, and their consultation regarding the delivery of assistance is to be sought.

The Act also stipulates that officials shall provide for the safety and protection of trafficking victims under their care, as well as that of the victims' family members (if also trafficked). Trafficking victims who cooperate with the prosecution of their case as witnesses shall be protected under the law and will be allowed to temporarily remain in Thailand and work while their case proceeds.

The Act states that for Thai nationals trafficked abroad who want to return to Thailand or their country of residence, the RTG shall assist without delay, and consider the victims safety and welfare. For trafficking victims abroad who are not Thai, but reside, are domiciled, and/or have been granted temporary status to remain in Thailand under Thai law, the RTG shall assist their return to Thailand should the victim desire.

Section 41 of the Act stipulates that unless the Minister of Justice grants permission in writing, trafficking victims can not be prosecuted for entering, leaving, or residing in Thailand illegally, for giving false information to government officials, for forging or using a forged travel document, for prostitution, or for working illegally. Government officials, in providing assistance, may place the trafficked person in the care of a government or private welfare

center.

In Practice

MSDHS operated 138 temporary shelters (up from 99 shelters in 2007), located in every province to provide temporary shelter for victims during the first 24 hours after their rescue or receipt of assistance by the State (or 7 days with court permission). After 24 hours, victims are transferred to 8 main centers located throughout Thailand. In addition, NGOs often also provide protection for victims immediately after their rescue and may assist in the prosecution of traffickers. According to the RTG, between 1999 and 2008, approximately 3,772 foreign TIP victims received protection and assistance in government shelters. Of them, 2,553 were eventually repatriated. Government shelters are able to provide

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sufficient protection, rehabilitation, and training to trafficking victims. While some victims are engaged in income generating activities within the government shelters in which they reside, the RTG has not yet developed a system through which victims can work outside the shelters (many of whom are undocumented migrants). TIP experts have suggested the first step toward addressing this problem, should the RTG intend to do so, would be the provision of identification cards. Should they have entered Thailand illegally, victims could use these cards to leave the shelters unsupervised and without fearing deportation.

Thai embassies provide consular protection to Thai citizens who face difficulties overseas. Limited fund are available to assist the repatriation of Thai victims of trafficking abroad. In 2008, Thai embassies assisted the return of 443 Thais to Thailand. Most were construction workers held in conditions of debt bondage and/or indentured servitude. As called for in the new Anti-TIP law, MSDHS reported a new anti-TIP fund of 60 million baht (approximately USD 1.7 million) should be available in March 2009 to finance anti-TIP activities of both government agencies and NGOs.

-- B. DOES THE COUNTRY HAVE VICTIM CARE FACILITIES (SHELTERS OR DROP-IN CENTERS) WHICH ARE ACCESSIBLE TO TRAFFICKING VICTIMS? DO FOREIGN VICTIMS HAVE THE SAME ACCESS TO CARE AS DOMESTIC TRAFFICKING VICTIMS? WHERE ARE CHILD VICTIMS PLACED (E.G., IN SHELTERS, FOSTER CARE, OR JUVENILE JUSTICE DETENTION CENTERS)? DOES THE COUNTRY HAVE SPECIALIZED CARE FOR ADULTS IN ADDITION TO CHILDREN? DOES THE COUNTRY HAVE SPECIALIZED CARE FOR MALE VICTIMS AS WELL AS FEMALE? DOES THE COUNTRY HAVE SPECIALIZED FACILITIES DEDICATED TO HELPING VICTIMS OF TRAFFICKING? ARE THESE FACILITIES OPERATED BY THE GOVERNMENT OR BY NGOS? WHAT IS THE FUNDING SOURCE OF THESE FACILITIES? PLEASE ESTIMATE THE AMOUNT THE GOVERNMENT SPENT (IN U.S. DOLLAR EQUIVALENT) ON THESE SPECIALIZED FACILITIES DEDICATED TO HELPING TRAFFICKING VICTIMS DURING THE REPORTING PERIOD.

During 2008, the RTG, through MSDHS, operated 138 temporary shelters (up from 99 in 2007) and 8 main welfare homes (four for adult women and children, three homes for boys, and one new home for adult males and their families) that provide assistance to both Thai and foreign TIP victims. Baan Kredtakarn Protection and Occupational Development Center is an internationally-prominent welfare home that serves as a shelter, school, vocational learning center, and return and reintegration facility for TIP victims. Through the shelters, MSDHS's Bureau of Anti-Trafficking in Women and Children (BATWC) provides support to TIP victims, responding to both their physical and psychological needs.

The Ministry of Social Development and Human Security (MSDHS) reported that 3,772 foreign women and children were classified as TIP victims in Thailand and received assistance and protection at MSDHS shelters between 1999 and 2008. Of them, 2,553 (68 percent) were repatriated back to their home country, and approximately 292 remained in MSDHS shelters at the end of 2008. The breakdown by country of origin follows:

Number of Foreign TIP victims in the government shelters. (1999 - Dec 2008)(Unit: Number of Persons)

Nationality	Assisted	Repatriated	Other*	Remain in shelters
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Cambodia	1,235	968	245	22
Burma	1,121	623	308	190
Laos	1,336	915	347	74
China	32	21	10	1
Vietnam	26	20	3	3
Other	22	6	14	2
Total	3,772	2,553	927	292

* victims referred/transferred to other agencies, fled from the shelter, etc.

(Source: Department of Social Development and Welfare, MSDHS)

-- C. DOES THE GOVERNMENT PROVIDE TRAFFICKING VICTIMS WITH ACCESS

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TO LEGAL, MEDICAL AND PSYCHOLOGICAL SERVICES? IF SO, PLEASE SPECIFY THE KIND OF ASSISTANCE PROVIDED. DOES THE GOVERNMENT PROVIDE FUNDING OR OTHER FORMS OF SUPPORT TO FOREIGN OR DOMESTIC NGOS AND/OR INTERNATIONAL ORGANIZATIONS FOR PROVIDING THESE SERVICES TO TRAFFICKING VICTIMS? PLEASE EXPLAIN AND PROVIDE ANY FUNDING AMOUNTS IN U.S. DOLLAR EQUIVALENT. IF ASSISTANCE PROVIDED WAS IN-KIND, PLEASE SPECIFY EXACT ASSISTANCE. PLEASE SPECIFY IF FUNDING FOR ASSISTANCE COMES FROM A FEDERAL BUDGET OR FROM REGIONAL OR LOCAL GOVERNMENTS.

Eight main government shelters provide several types of support to trafficked victims as follows:

- food and accommodations;
- medical care;
- counseling services;
- psychological assistance programs;
- education (e.g. computer training, English courses);
- vocational training (e.g. sewing and knitting, dressmaking, weaving, arts and crafts, cooking, painting, etc.);
- recreational services and social activities (e.g. library, entertainment room, music class, sport classes, religious activities, sightseeing);
- early childcare;
- life-skills education (e.g. risk management and problem solving techniques);
- reintegration and family assistance programs to help prepare victims before repatriation and reintegration with their families during and after their stay in the shelter.

There is limited direct funding provided by the RTG to foreign or domestic NGOs for services to victims. However, the government provides in-kind assistance in the form of technical support, personnel, and facilities to NGOs active in anti-trafficking activities. For example, a joint NGO-government trafficking task force in Chiang Mai is located in the provincial hall. Government office space and stipends for volunteers are also provided to the National Council for Child and Youth Development, a non-governmental umbrella organization that includes anti-trafficking activities in its mandate.

According to MSDHS, in September 2005, the RTG allocated 100 million baht to government activities to combat human trafficking. In 2008, 3.11 million baht (88,857 USD) was used for both investigation and interrogation activities (2 million baht) and for distribution to 124 trafficked victims (1.1 million baht).

In addition, as called for in the new Anti-TIP law, MSDHS reported a new anti-TIP fund of 60 million baht (approximately USD 1.7 million) should be available in March 2009 to finance anti-TIP activities of both government agencies and NGOs.

-- D. DOES THE GOVERNMENT ASSIST FOREIGN TRAFFICKING VICTIMS, FOR EXAMPLE, BY PROVIDING TEMPORARY TO PERMANENT RESIDENCY STATUS, OR OTHER RELIEF FROM DEPORTATION? IF SO, PLEASE EXPLAIN.

The RTG allows those classified as foreign TIP victims to receive shelter and social services pending repatriation to their country of origin. Between 1999 and 2008, approximately 3,772 foreign TIP victims received protection and assistance in government shelters. Of them, 2,553 (68 percent) were repatriated. In 2008 alone,

shelter officials reported they provided protection and social services for 520 foreign trafficking victims including 45 Cambodian, 252 Burmese, 214 Laotian, 3 Vietnamese, and 6 others. The RTG provides the following assistance to foreigners trafficked into Thailand:

- temporary protection and rehabilitation as well as vocational training
- collaboration with families, other governments, and NGOs for safe repatriation
- immunity from charges of crimes associated with the TIP victims' status (i.e., illegal immigration, prostitution, etc.).

Furthermore, RTG officials cooperated with other governments, NGOs,

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and international organizations to facilitate safe repatriation processes and follow-up monitoring overseas.

A 2005 Cabinet Resolution established guidelines for the return of stateless residents abroad who have been identified as TIP victims and who can be proved to have had prior residency in Thailand. These stateless residents can be given residency status in Thailand on a case-by-case basis.

-- E. DOES THE GOVERNMENT PROVIDE LONGER-TERM SHELTER OR HOUSING BENEFITS TO VICTIMS OR OTHER RESOURCES TO AID THE VICTIMS IN REBUILDING THEIR LIVES?

During 2008, the RTG, through MSDHS, operated 138 temporary shelters (up from 99 in 2007) and 8 main welfare homes (four for adult women and children, three homes for boys, and one new home for adult males and their families). With the Anti-Trafficking Act coming into force in June 2008, the RTG determined to set-up four new shelters exclusively for male TIP victims. One of them, in Thailand's central province of Pathumthani, has been used since October 2008. The three additional adult-male shelters are expected to be set up in Chiang Rai (Northern region), Songkla (Southern region), and Ranong (Eastern region) in FY 2009. RTG officials have allowed TIP victims who are family members to remain together, with at least one case of a male TIP victim living in the new male TIP victim shelter with his family.

-- F. DOES THE GOVERNMENT HAVE A REFERRAL PROCESS TO TRANSFER VICTIMS DETAINED, ARRESTED OR PLACED IN PROTECTIVE CUSTODY BY LAW ENFORCEMENT AUTHORITIES TO INSTITUTIONS THAT PROVIDE SHORT- OR LONG-TERM CARE (EITHER GOVERNMENT OR NGO-RUN)?

Thailand has regional MOUs (between provinces within one region) on cooperation to combat human trafficking. These MOUs provide practical guidelines on coordination of raid/rescue operations, and protection and referral processes that involve relevant members of government agencies and NGOs (working in what are referred to as multidisciplinary teams). MOUs for the northeastern and eastern regions were signed in 2006 and the MOUs for the northern and southern regions were signed in 2007. MOUs covering the central region were the last signed in 2008 (one covering the lower central region signed in May and one covering the upper central region in July). To ensure effective collaboration among agencies in implementing these MOUs, MSDHS trained 706 individuals between 2006 and June 2008. Approximately 80 additional people were trained in September 2008 using a curriculum updated since the new Anti-TIP Act came into force.

The regional MOUs provide procedures to the Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT) in each province. They generally state the POCHT shall coordinate with members of their multidisciplinary teams (e.g., social workers, health care officials, psychologists, etc.). Under these procedures, trafficking victims are transferred to government or NGO-run shelters as appropriate. If there is a reason to believe a victim shall be endangered in a particular shelter, the chief of the shelter or POCHT secretariat can request the police provide protection under the 2003 Witness Protection Act.

In addition to the regional MOUs, the Ministry of Labor (MOL), working with other concerned ministries, developed "Operational

Guidelines for Labor Trafficking," which were formally agreed upon in April 2008. The guidelines were established to improve coordination among members of multi-disciplinary teams, both government and non-government officials, during labor trafficking operations (i.e., rescue and protection). MOL officials reported that trainings on these guidelines were being planned for officials within the ministry.

-- G. WHAT IS THE TOTAL NUMBER OF TRAFFICKING VICTIMS IDENTIFIED DURING THE REPORTING PERIOD? OF THESE, HOW MANY VICTIMS WERE REFERRED TO CARE FACILITIES FOR ASSISTANCE BY LAW ENFORCEMENT AUTHORITIES DURING THE REPORTING PERIOD? BY SOCIAL SERVICES

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OFFICIALS? WHAT IS THE NUMBER OF VICTIMS ASSISTED BY GOVERNMENT-FUNDED ASSISTANCE PROGRAMS AND THOSE NOT FUNDED BY THE GOVERNMENT DURING THE REPORTING PERIOD?

There is no official estimate available for the number of trafficking victims identified during the reporting period. Information provided by the RTG indicated that the vast majority of identified TIP victims, including those receiving services in government shelters, are non-Thai citizens. In 2008, the shelters reported they provided protection and social services for 622 trafficking victims, 520 foreigners (45 Cambodian, 252 Burmese, 214 Laotian, and 3 Vietnamese and 6 from other nations) and 102 Thai citizens. Approximately 292 people remained in MSDHS shelters at the end of 2008. The Children and Women Protection Division of the Royal Thai Police (CWD) reported that CWD alone (not including other police divisions) investigated 46 cases of human trafficking, involving 82 TIP victims. These official numbers likely greatly underestimate the total number of victims in Thailand.

According to MSDHS, in September 2005, the RTG allocated 100 million baht to government activities to combat human trafficking. In 2008, 3.11 million baht (88,857 USD) was used for both investigation and interrogation activities (2 million baht or 57,143 USD) and for distribution to 124 trafficked victims (1.1 million baht or 31,429 USD).

-- H. DO THE GOVERNMENT'S LAW ENFORCEMENT, IMMIGRATION, AND SOCIAL SERVICES PERSONNEL HAVE A FORMAL SYSTEM OF PROACTIVELY IDENTIFYING VICTIMS OF TRAFFICKING AMONG HIGH-RISK PERSONS WITH WHOM THEY COME IN CONTACT (E.G., FOREIGN PERSONS ARRESTED FOR PROSTITUTION OR IMMIGRATION VIOLATIONS)? FOR COUNTRIES WITH LEGALIZED PROSTITUTION, DOES THE GOVERNMENT HAVE A MECHANISM FOR SCREENING FOR TRAFFICKING VICTIMS AMONG PERSONS INVOLVED IN THE LEGAL/REGULATED COMMERCIAL SEX TRADE?

In 2008, the RTG developed "Guidelines on Trafficked Victim Identification" for use by police officers, immigration officers, social workers and members of civil society to better identify potential trafficking victims under Thailand's new TIP law. The guidelines, in the form of a questionnaire to be used while interviewing a potential victim during or after an anti-TIP operation, provide a framework for interviewing officials to have a clearer understanding of what defines a TIP victim. The guidelines state that a person can be a victim of trafficking even if he/she originally participated voluntarily in the activity in question and regardless of one's immigration or worker registration status. They also explain that debt bondage is considered a type of human trafficking, and instruct that various types of supporting evidence should be considered when identifying trafficking victims (i.e., evidence of physical abuse or psychological trauma, etc).

In order to provide government officials with sufficient knowledge to identify TIP victims, the Royal Thai Police and MSDHS co-conducted numerous one-day trainings for police officers that focused on the Anti-TIP law and victim identification process. MSDHS reported that 2,500 police received training in FY 2008 and that an additional 2,500 would be reached in FY 2009

-- I. ARE THE RIGHTS OF VICTIMS RESPECTED? ARE TRAFFICKING VICTIMS DETAINED OR JAILED? IF SO, FOR HOW LONG? ARE VICTIMS FINED? ARE VICTIMS PROSECUTED FOR VIOLATIONS OF OTHER LAWS, SUCH AS THOSE GOVERNING IMMIGRATION OR PROSTITUTION?

The 2008 Anti-TIP Law provided numerous rights to trafficking victims (see question C above), which are generally respected. Trafficking victims have the right to receive services from the State and information regarding the timeframe of assistance delivery. Illegal migrants who are trafficking victims are repatriated through established RTG processes in cooperation with foreign governments and civil society. The anti-TIP law stipulates that unless the Minister of Justice grants permission in writing, trafficking victims can not be prosecuted for entering, leaving, or residing in Thailand illegally, for giving false information to

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government officials, for forging or using a forged travel document, for prostitution, or working illegally.

In practice, court proceedings are usually long, sometimes causing trafficking victims who cooperate with prosecutions to remain in shelters for extended periods of time. The RTG does, though, allow for victims who have already given testimony to be repatriated instead of remaining in shelters. NGOs have reported complaints by foreign victims in shelters who believe the RTG does not arrange for their repatriation in a timely fashion, and who feel compelled to remain in shelters in order to assist with prosecutions. Another factor contributing to the lengthy stays in shelters is the difficulty in verifying the nationality of victims as part of the repatriation process, especially of those without national identity cards or who are ethnic minorities from Burma. Difficulties in tracing families (for children), and in arranging documentation and reception by officials or NGO workers in neighboring countries, resulted in stays of up to six months. During this period victims are protected at shelters, where they receive medical treatment and food, counseling, and limited vocational and literacy training.

-- J. DOES THE GOVERNMENT ENCOURAGE VICTIMS TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING? HOW MANY VICTIMS ASSISTED IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKERS DURING THE REPORTING PERIOD? MAY VICTIMS FILE CIVIL SUITS OR SEEK LEGAL ACTION AGAINST TRAFFICKERS? DOES ANYONE IMPEDE VICTIM ACCESS TO SUCH LEGAL REDRESS? IF A VICTIM IS A MATERIAL WITNESS IN A COURT CASE AGAINST A FORMER EMPLOYER, IS THE VICTIM PERMITTED TO OBTAIN OTHER EMPLOYMENT OR TO LEAVE THE COUNTRY PENDING TRIAL PROCEEDINGS? ARE THERE MEANS BY WHICH A VICTIM MAY OBTAIN RESTITUTION?

The government generally encourages victims to participate in the investigation and prosecution of trafficking. Relatively few opt to do so, however, for a variety of reasons such as language barriers, illiteracy, distrust of Thai officials, slow legal processes, and fear of traffickers. Additionally, financial needs of victims who need to earn income for their families also play a role in the low level of victim participation in prosecutions. The Royal Thai Police believes that fear of the criminal networks, which often reach into their home communities, played an important role in the reluctance to pursue legal action. Officials at government shelters also reported instances when traffickers try to intimidate or threaten victims or their families.

The Ministry of Social Development and Human Security (MSDHS) reported it assisted 622 TIP victims in 2008, 520 foreigners and 102 Thai citizens. Of the 622, 306 (roughly 50 percent) agreed to cooperate with law enforcement authorities on their cases investigation and prosecution. Only 35 of the 102 Thai victims agreed to cooperate on their cases investigation and prosecution.

Number of trafficking victims assisted by MSDHS (Jan-Dec 2008)
(Unit: Number of Persons):

	Victims Proceed with Prosecution		Do Not Proceed
	-----	-----	-----
Thai trafficking victims abroad	44	6	38
Thai trafficking victims in Thailand	58	29	29

Foreign trafficking 520 271 249 victims in
Thailand

Total 622 306 316
(Source: Dept. of Social Development and Welfare, MSDHS)

Regarding labor trafficking, during 2006-2008, approximately 140 trafficking victims from the Anoma and Ranya Paew cases have participated in the investigation and prosecution of traffickers. To encourage assistance in case investigation and prosecution in

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forced labor cases, the 1998 Labor Protection Act allows for compensatory damages from the employer. Department of Social Welfare officials and NGOs use the threat of punitive sanctions under this law to negotiate settlements with abusive employers using foreign trafficking victims in sweatshops and in domestic work.

To create additional incentives for victims to assist with case investigation and prosecution, the 2008 anti-TIP Law (Sections 34 and 35) requires victims be informed of their right to receive compensation for damages and to the provision of legal aid from the government. The public prosecutor must also help victims receive compensation through the courts. Similarly, the law stipulates that victims of TIP crimes are eligible to work while their case proceeds through the courts.

-- K. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN IDENTIFYING TRAFFICKING VICTIMS AND IN THE PROVISION OF ASSISTANCE TO TRAFFICKED VICTIMS, INCLUDING THE SPECIAL NEEDS OF TRAFFICKED CHILDREN? DOES THE GOVERNMENT PROVIDE TRAINING ON PROTECTIONS AND ASSISTANCE TO ITS EMBASSIES AND CONSULATES IN FOREIGN COUNTRIES THAT ARE DESTINATION OR TRANSIT COUNTRIES? WHAT IS THE NUMBER OF TRAFFICKING VICTIMS ASSISTED BY THE HOST COUNTRY'S EMBASSIES OR CONSULATES ABROAD DURING THE REPORTING PERIOD? PLEASE EXPLAIN THE TYPE OF ASSISTANCE PROVIDED (TRAVEL DOCUMENTS, REFERRALS TO ASSISTANCE, PAYMENT FOR TRANSPORTATION HOME).

Royal Thai police and MSDHS co-conducted numerous one-day trainings that focused on the Anti-TIP law and victim identification process using the new guidelines on trafficking victim identification. MSDHS reported that 2,500 police received training in FY 2008 and that an additional 2,500 will be reached in FY 2009. The attendees were mostly police, although other multidisciplinary team members also attended (NGO officials, social workers, psychologists, etc.).

According to CWD, there were several trainings specifically for police officers as follows:

- A 6-day training course for 34 police trainees on TIP victim rescuing operations
- A 5-day training regarding TIP for 30 Thai and Malaysian police officers
- A UK-sponsored training for 15 CWD officers on combating human trafficking.

The Ministry of Labor (MOL) also conducted training courses on relevant child labor protection law to labor inspectors aiming to raise awareness on this issue. In addition, the Ministry of Labor established a woman and child labor protection network with relevant NGOs, governmental agencies, and private sector members, to provide information and guidelines on labor protection and assistance to laborers, especially children. The MOL organized an annual meeting with employers, manufacturers and NGOs to raise awareness on labor rights protection and child labor protection.

In 2008, the Department of Consular Affairs of the Ministry of Foreign Affairs conducted various anti-TIP-related activities with Royal Thai Embassies, Consulates, and Thai communities overseas, including the following:

- Coordinated activities with Thai Women Supportive Networks in Norway and Sweden.
- Distributed TIP-related pamphlets for Thais in Poland
- Organized a "Thai Friends help Thais" project to develop a

network of volunteers to assist TIP victims in Singapore
 -- Made donations to TIP victims shelters in South Africa.
 -- Organized a seminar on "Related TIP laws in Switzerland and Assistance/Protection provided to 66 Thais in Switzerland" organized by the Royal Thai Embassy in Bern, Switzerland
 -- Conducted consultation programs for 105 Thai victims of trafficking persons in Switzerland.
 -- Supported a volunteer network in the Netherlands
 -- Conducted a TIP seminar for 130 Thai Women in Denmark

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-- Provided 14 translators for TIP victims in South Africa
 -- Conducted trainings regarding TIP to foreign service officers and local staff in 15 embassies and consulates.

The Ministry of Foreign Affairs (MFA) Department of Consular Affairs reported 443 Thai nationals were classified as TIP victims abroad and repatriated to Thailand with MFA assistance in fiscal year 2008 (October 2007-September 2008), compared to 403 and 397 victims in FY2007 and FY2006, respectively. The breakdown by destination country follows:

Number of Thai TIP victims abroad who were repatriated back to Thailand (Oct 07-Sep 08)

(Unit: Number of Persons)

Destination	FY 2006	FY2007	FY 2008
-----	-----	-----	-----
Bahrain	236	368	360
Singapore	9	14	3
Malaysia	39	12	73
South Africa	20	3	1
Saudi Arabia	0	3	0
Hong Kong	2	2	1
Japan	3	1	0
United Kingdom	5	0	0
Taiwan	0	0	5
Total	397	403	443

(Source: Department of Consular Affairs, Ministry of Foreign Affairs)

-- L. DOES THE GOVERNMENT PROVIDE ASSISTANCE, SUCH AS MEDICAL AID, SHELTER, OR FINANCIAL HELP, TO ITS NATIONALS WHO ARE REPATRIATED AS VICTIMS OF TRAFFICKING?

In 2008, MSDHS officials reported the Ministry provided small travel stipends for 44 Thai trafficked victims who were repatriated back to Thailand. Medical aid, shelter (other than temporary residence at one of six government shelters), and other financial help is not available from the Thai government.

-- M. WHICH INTERNATIONAL ORGANIZATIONS OR NGOS, IF ANY, WORK WITH TRAFFICKING VICTIMS? WHAT TYPE OF SERVICES DO THEY PROVIDE? WHAT SORT OF COOPERATION DO THEY RECEIVE FROM LOCAL AUTHORITIES?

Numerous NGOs, both Thai and international, are active in working with trafficking victims. They provide different levels of support, varying from organizations that identify victims and work with authorities to rescue them, to those who support them through the judicial process and return from Thailand to their home countries. Working level cooperation with local authorities is generally good and government funding was sometimes provided to NGOs. In-kind assistance such as office space is often made available, as is the case in models of cooperation created in Chiang Mai, Bangkok and Chiang Rai. The RTG also provided office space to one NGO in the Office of the Attorney General.

A partial list of NGOs active in Thailand and a brief description of some of their key activities follows:

-- The Center for Protection of Children's Rights (CPCR) assists abused, orphaned, neglected or trafficked children and counters commercial sexual exploitation of children by legal and public relations means. The NGO runs three rehabilitation homes for children and young people rescued from trafficking, two are in Bangkok, and one is in Chiang Rai. The Chiang Rai facility also provides scholarships, vocational training and prevention programs

for young people at risk of entering the commercial sex industry or at risk of being exploited for child labor.

-- Fight Against Child Exploitation (FACE) monitors cases of child abuse and pursues prosecutions of pedophiles. FACE also provides consultative services to Thai law enforcement entities on the handling of trafficking victims.

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-- Foundation for Child Development (FCD) provides emergency assistance and support to victims of trafficking. It also runs prevention campaigns and policy-level advocacy activities. FCD has been a leading organization in providing assistance to victims in the Ranya Paew case, and actively participates in policy level discussions.

-- TRAFCORD: the Anti-Trafficking Coordination Unit based in Chiang Mai, acts as a coordination center in Northern Thailand between governmental and non-governmental agencies active in solving problems of human trafficking. It was established in August, 2002, largely with USG funding, and is a model of law enforcement and NGO cooperation in initiating investigations, protecting victims, and pursuing prosecutions of traffickers in the region.

-- The Labor Rights Promotion Network (LPN) is an NGO in the Samut Sakhon province, on the Gulf of Thailand, in which seafood processing and fisheries industries are based. LPN provides counseling, vocational training and education programs for migrant workers and their families, many of whom originate from Burma and are vulnerable to exploitation or trafficking.

-- The Development and Education Program for Daughters and Communities (DEPDC) in Mae Sai, near the border with Burma, works to prevent at-risk children from being forced into the sex industry or into other forms of child labor. DEPDC provides shelter, education, vocational training, and employment opportunities to young girls at risk. DEPDC also campaigns against local interests that cater to child sex tourism.

-- The New Life Center (Chiang Mai and Chiang Rai) houses, feeds, and educates women from hill tribes and other ethnic minorities who have been rescued from trafficking or at risk of being trafficked.

-- The Buddha Kasetra School (Chiang Rai) is a shelter and school for girls (both Thai and non-Thai) who cannot afford to continue their education and are at risk of entering the sex industry.

-- The Foundation for Women (FFW) provides information, support, referral and emergency financial assistance to women who are victims of exploitation and violence. FFW also works with villagers in the North and Northeast to oppose coerced prostitution and domestic violence. FFW offers small-scale credit schemes for alternative economic projects and conducts research on international migration and trafficking, adolescent sexuality, and domestic violence.

-- The Mirror Art Group, through a project entitled, "The Missing Person Center for Anti-Trafficking," provides counseling to victims and their families and helps coordinate the activities of government agencies, local authorities, and NGOs to assist victims.

-- The World Vision Foundation of Thailand (WVFT) concentrates its activities on reducing the vulnerabilities of migrants through prevention projects.

-- Agir Pour Les Femmes En Situation Precaire or Alliance Anti Traffic (AFESIP) programs include the building of community-based networks and the provision of support to victims, including health, legal, and family tracing services prior to reintegration or repatriation.

-- Other international NGOs such as The American Center for International Labor Solidarity (Solidarity Center), Save the Children UK, GATTW, Oxfam, Prevent Human Trafficking, and ECPAT International have ongoing substantive anti-trafficking programs in Thailand.

-- International organizations actively working on anti-trafficking programs in Thailand include UNESCO, UNIAP, UNICEF, the ILO, and IOM.

V) PREVENTION:

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-- A. DID THE GOVERNMENT CONDUCT ANTI-TRAFFICKING INFORMATION OR EDUCATION CAMPAIGNS DURING THE REPORTING PERIOD? IF SO, BRIEFLY DESCRIBE THE CAMPAIGN(S), INCLUDING THEIR OBJECTIVES AND EFFECTIVENESS. PLEASE PROVIDE THE NUMBER OF PEOPLE REACHED BY SUCH AWARENESS EFFORTS, IF AVAILABLE. DO THESE CAMPAIGNS TARGET POTENTIAL TRAFFICKING VICTIMS AND/OR THE DEMAND FOR TRAFFICKING (E.G. "CLIENTS" OF PROSTITUTES OR BENEFICIARIES OF FORCED LABOR)?

Since the coming into force of the anti-TIP Law of 2008, the Ministry of Social Development and Human Security (MSDHS) implemented several prevention-oriented activities as follows:

- declared June 5 as National Anti-Human Trafficking Day
- provided education scholarships to vulnerable children in high-risk areas
- set up 8 women vocational training centers in rural areas as well as awareness raising campaigns on how Thai women can protect themselves abroad as well as developed watchdog network in high-risk areas
- organized "public dialogues" in seven provinces throughout Thailand to raise awareness within the general public
- sponsored a television advertisement to raise awareness on the various forms of human trafficking
- sponsored a television documentary on "solving human trafficking problems" during prime time in December 2008
- organized road shows to raise awareness to fight against human trafficking in 7 high-risk areas such as transportation stations (Bangkok's main train station, various bus and shuttle bus terminals), and the tourist district in the city of Pattaya

Although the number of people reached by such awareness raising activities by MSDHS is difficult to estimate, the television campaign in particular reached a wide audience and the awareness campaigns in high-risk areas reached more targeted audiences. The Ministry of Foreign Affairs also conducted prevention activities outside of Thailand, as listed in section IV, question K.

-- B. DOES THE GOVERNMENT MONITOR IMMIGRATION AND EMIGRATION PATTERNS FOR EVIDENCE OF TRAFFICKING? DO LAW ENFORCEMENT AGENCIES SCREEN FOR POTENTIAL TRAFFICKING VICTIMS ALONG BORDER?

Thailand's topography and resource constraints make it impossible to adequately monitor its borders. Although border security is a national priority, the rugged terrain of much of the 2,900 miles of land border greatly complicates efforts to control entry and exit. An additional 1,600 miles of coastline provides further obstacles to border control. Widespread smuggling of timber, oil, drugs and people all occur. The government is sensitive to trends in labor influxes. Cross-border labor movements, particularly from Burma, are considered a national security issue. As a result of training programs conducted during the reporting period, there was an increasing understanding among police and immigration officers of the difference between trafficking cases and voluntary migration (both legal and illegal.) Frequent rotation among police and immigration officers requires continual training efforts.

The Ministry of Labor's Department of Labor Protection and Welfare Development (LPWD) inspected workplaces to ensure that worker rights are protected in accordance with the Labor Protection Act (LPA). In FY 2008, labor inspectors from LPWD inspected 51,375 workplaces that were found to employ 55,003 migrant workers; 48,741 from Burma, 1,367 from Laos, 1,530 from Cambodia, and 3,365 from other nations. Out of the 51,375 workplace inspected, 44,850 were found to be fully compliant with the LPA, while LPA violations were found in 6,161. LPWD found serious violations in 5 of the 6,156 workplaces and initiated court proceedings in response.

Sensitive to Thailand's international image, immigration police

officers monitor outgoing passengers at Bangkok's international airport for Thai female sex workers. Departure clearance is often denied in suspect cases. Chinese nationals and South Asians using Bangkok as a transit stop to travel illegally to third countries are not intercepted unless they possess fraudulent travel documents and attempt to enter Thailand. In both the cases of Thai sex workers

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and illegal migrants, the participants are usually voluntary during this point in the trafficking continuum. Various forms of force, fraud and coercion are generally encountered only when the destination country is reached.

-- C. IS THERE A MECHANISM FOR COORDINATION AND COMMUNICATION BETWEEN VARIOUS AGENCIES, INTERNAL, INTERNATIONAL, AND MULTILATERAL ON TRAFFICKING-RELATED MATTERS, SUCH AS A MULTI-AGENCY WORKING GROUP OR A TASK FORCE?

Collaboration between government officials and NGOs has progressively improved in Thailand as reflected in the MOUs on collaboration in the different domestic regions. The RTG and provincial-level governments increasingly enjoy close collaborative relationships with civil society on anti-TIP activities. Key NGOs sit on national committees related to TIP. MSDHS, responsible for coordinating the RTG's anti-TIP efforts, maintains a full list of all NGOs working on TIP-related issues nationwide. The 2008 anti-TIP law called for the establishment of two national committees to focus ministerial-level political decision-making with regard to anti-TIP efforts: an Anti-Trafficking in Persons Committee (ATP) chaired by the Prime Minister and a Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) chaired by the Deputy Prime Minister. MSDHS also created a CMP sub-committee to develop subordinate regulations to the new TIP Law, essential to its implementation. The sub-committee consists of government officials from relevant agencies, academics, and representatives from civil society.

In 2008, MSDHS reported collaborating with international organizations on the following activities:

- International Organization for Migration (IOM): provided financial support for returning TIP victims home, developed standard guidelines among relevant agencies to assist in the rescue of trafficked victims, and produced publications regarding prevention activities.
- United Nations Office on Drugs and Crimes (UNODC): provided "train the trainer" activities on victim rehabilitation.
- Japan International Cooperation Agency (JICA): provided capacity building to multidisciplinary teams through regarding TIP victim protection.
- International Labor Organization (ILO): provided activities to promote life and occupational skills of Thai women and children victims.

-- D. DOES THE GOVERNMENT HAVE A NATIONAL PLAN OF ACTION TO ADDRESS TRAFFICKING IN PERSONS? IF THE PLAN WAS DEVELOPED DURING THE REPORTING PERIOD, WHICH AGENCIES WERE INVOLVED IN DEVELOPING IT? WERE NGOS CONSULTED IN THE PROCESS? WHAT STEPS HAS THE GOVERNMENT TAKEN TO IMPLEMENT THE ACTION PLAN?

The National Policy and Plan on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women (2002-2007) was approved by the Cabinet on July 1, 2003. Political turmoil in 2008, with frequent changes of government and corresponding delays to policy-making, precluded the RTG from finalizing a new Plan of Action, following passage of new legislation. In 2008, the RTG focused on the implementation of the new anti-TIP law and conducted an evaluation of the first Plan with input from NGOs and international organizations.

-- E: WHAT MEASURES HAS THE GOVERNMENT TAKEN DURING THE REPORTING PERIOD TO REDUCE THE DEMAND FOR COMMERCIAL SEX ACTS?

Thai government efforts to reduce customer demand for illegal prostitution services have been limited to occasional police raids to shut down openly operating brothels and awareness-raising campaigns targeting tourists. These efforts are principally conducted to reduce the prevalence of child prostitution.

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According to the RTG, in 2008, the Tourism Authority of Thailand and Ministry of Tourism and Sports initiated awareness campaigns to prevent sex tourism, which involved travel and transportation agencies. The campaigns were geared to warn tourists of the severity of penalties for engaging in commercial sex acts with children. The RTG also paired with NGOs and a large hotel corporation to implement a "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism." Through this program, training was conducted for provincial-level travel agencies and members of a private tourism association on how to adopt prevention activities and deal with suspected and actual cases of child sex tourism. Approximately 6,000 employees have been trained so far in this initiative.

-- F. REQUIRED OF ALL POSTS: WHAT MEASURES HAS THE GOVERNMENT TAKEN DURING THE REPORTING PERIOD TO REDUCE THE PARTICIPATION IN INTERNATIONAL CHILD SEX TOURISM BY NATIONALS OF THE COUNTRY?

With regard to sex crimes against children, including by offenders who travel to Thailand to commit crimes as well as those who come fleeing justice elsewhere, Thai law enforcement authorities have been increasingly cooperative with Embassy officials in a range of areas. RTG law enforcement officials collaborated with USG law enforcement agencies (and those from other governments) in the investigation, arrest, prosecution, and deportation or extradition of child sex offenders, as well as in the provision of victim assistance. CWD police officers were designated to carry out surveillance and investigation and to notify the Tourist police of any suspected cases of child-sex tourism, including those involving Thai nationals.

The RTG sponsored multiple TIP prevention activities, including campaigns to warn tourists of any nationality (including Thai) of the severity of penalties for engaging in commercial sex acts with children.

The RTG's new anti-TIP law, which came into force in June 2008, provides strict penalties for Thai citizens who engage in any form of human trafficking, including child sex tourism:

- If a trafficking offense is committed against a child between 15 to 18 years old, penalties are 6-12 years imprisonment and a fine of 120,000 to 240,000 baht (3,429-6,857 USD).
- If a trafficking offense is committed against a child below 15 years old, penalties are 8-15 years imprisonment and a fine of 160,000 to 300,000 baht (4,571 - 8,571 USD).

In addition, various sections of Thai law (including the Thai Criminal Code as amended, the Prevention and Suppression of Prostitution Act, and the Money laundering Act) provide severe penalties for Thai citizens (and others) who engage in child sex tourism (see Section III, Question A above).

-- G. REQUIRED OF POSTS IN COUNTRIES THAT HAVE CONTRIBUTED OVER 100 TROOPS TO INTERNATIONAL PEACEKEEPING EFFORTS: WHAT MEASURES HAS THE GOVERNMENT ADOPTED TO ENSURE THAT ITS NATIONALS WHO ARE DEPLOYED ABROAD AS PART OF A PEACEKEEPING OR OTHER SIMILAR MISSION DO NOT ENGAGE IN OR FACILITATE SEVERE FORMS OF TRAFFICKING OR EXPLOIT VICTIMS OF SUCH TRAFFICKING?

Per ref. A, paragraph 27 (G), not applicable.

VI) NOMINATION OF HEROES AND BEST PRACTICES

HEROES: TRAFCORD

Established in 2002 in response to a marked rise in cases involving the trafficking of women and children from the Mekong region, TRAFCORD, the Anti-Trafficking Coordination Unit, was set up in

upper Northern Thailand. TRAFCORD acts as a coordination center between government and non-government agencies active in addressing human trafficking (TIP) cases, particularly involving women and children. Sponsored by the USG, the Asia Foundation, and UNICEF, the

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unit has been at the forefront of the successful "multi-disciplinary" approach to trafficking cases in the region. When TRAFCORD employees suspect the presence of child prostitutes (often in a brothel or karaoke bar), they work with police, social workers (public or private), prosecutors, and other relevant government and NGO officials to rescue, rehabilitate, and repatriate them. By coordinating government and private agencies prior, during, and after raids on suspected establishments, they help ensure that victims receive improved treatment and access to services, and that criminal cases have a better chance of being successfully prosecuted.

TRAFCORD's multi-disciplinary approach has been adopted by other organizations in Thailand, including through formal memorandums of understanding (MOUs) signed with relevant officials representing seventeen Northern provinces in Thailand. As such, TRAFCORD has catalyzed the updating of procedures for dealing with TIP cases and coordinated their implementation, often providing training in the process. TRAFCORD's work therefore also informed the key change to Thailand's national anti-trafficking legal framework: a new, comprehensive anti-TIP law that came into force in June 2008.

TRAFCORD's multi-disciplinary team approach, as explained in various international forums (from Hawaii to Rome to Geneva), has generated positive international attention in support of the most effective ways to fight against child prostitution and other TIP crimes. Many, such as the Director General of the International Organization for Migration, have praised the unit and its staff for "providing useful insights and guidance." Similarly, TRAFCORD's comprehensive anti-child labor/TIP activities, including its public relations and media efforts, have raised awareness about the worst forms of child labor and inspired other organizations and individuals (within Thailand and beyond) to adopt more effective multidisciplinary strategies to end them.

BEST PRACTICES: Post may report on best practices septel.

13. (SBU) Per ref a, paragraph 22, Embassy Labor officer (FS-02) spent approximately 45 hours in the preparation of this report. The Economic Counselor (FE-OC) and DCM (FE-OC) spent approximately 4 hours and 3 hours on the report, respectively. Likewise, Economic Section FSN (Grade 11-02) spent approximately 95 hours on compiling information for the report. These estimates do not include contributions made indirectly in the regular course of work. Embassy Bangkok POC is Econ/Labor Officer Lawrence Petroni: tel. 02-205-4639, fax 02-254-2839, email PetroniLJ@state.gov.